

CASE NO. 08cv 1589

ATTACHMENT NO. 3

## **EXHIBIT**

TAB (DESCRIPTION) \_\_\_\_\_

1 that could have been cleared up by either of them  
2 standing at this podium and simply saying, Doctor,  
3 do you have a reasonable degree of medical certainty  
4 and approximately the date of death of this young  
5 lady. Why wasn't it done? The State has asked you  
6 to use your common sense, this Court's common sense.  
7 I would suggest since it's the beginning of this  
8 case, every argument hedged upon the State saying  
9 that this man, and I am speaking not only emotion,  
10 but I'm stating in fact, in the Bill of Particulars,  
11 I'm stating even in their opening statements they  
12 would say that my client, Jerome Hendricks, was  
13 the last one to see her alive. Well, Judge, if they  
14 are that sure, and if they are that honorable and  
15 they have put that much attention to this through  
16 preparation of the case, when you have the person  
17 on the stand who could tell you, not only because  
18 of her expertise, date of death and time of death  
19 through scientific evidence, and bring it down,  
20 then common sense would say that unless you have  
21 something to hide, or unless you are unsure, or  
22 unless you don't know, or unless your whole case is a  
23 sham, you ask that question. Furthermore, Judge,  
24 I would suggest to the Court that since this

1 question is in fact never asked, it cannot be supplied.

2 For these reasons, Judge, and the reasons  
3 suggested in our brief, and the reasons enumerated  
4 under Illinois law, we would suggest that the  
5 motion for acquittal is in order at this time.

6 We would suggest to the Court that the only  
7 evidence of in fact the statement that the Defendant  
8 made to anything in this crime that on the first he  
9 saw the young lady, as for their witness Michael  
10 Walker who it was proven lied to us on the stand,  
11 who it was proven that he not only didn't remember  
12 his criminal record, who it was proven they brought  
13 him in from Stateville, it was proven when they asked  
14 him have we promised you anything, they said, oh,  
15 no; and when I asked him, he said well, maybe. When  
16 they stated, you said you would write a letter.

17 That the reliability, combined with the time that  
18 the first time he said anything about Jerome Hendricks  
19 supposedly alibi'ing out to him was when he himself  
20 had been Mirandized, and common sense would say,  
21 since their own officer said we Mirandize suspects,  
22 was in fact a suspect of the crime, that this man  
23 was doing the same thing that they are now accusing  
24 Mr. Hendricks with. As a matter of fact, they might

1 have indicted the right man and like bulldogs on a  
2 bone they hold on to Mr. Hendricks when in fact  
3 Mr. Walker who can't even remember his own criminal  
4 record for convenience, suddenly realizes that there  
5 is a rap sheet in the Defense Counsel's hands and  
6 then his mind clears up, constitutes not, not enough  
7 negative corroboration.

8 For these reasons, Judge, we would ask that  
9 our motion in fact be stayed.

10 Thank you, Your Honor.

11 THE COURT: Ms. Placek and gentlemen, I'm going  
12 to take about a two-minute recess, organize my  
13 thoughts, and I will be back and give you my opinion.

14 (Whereupon, a short recess  
15 was had.)

16 THE COURT: In ruling on the Defendant's motion  
17 for acquittal at the close of the State's case, the  
18 Court is obliged to construe the evidence in the  
19 light most favorable to the State to determine whether  
20 or not the State's evidence proved the Defendant  
21 guilty beyond a reasonable doubt at this stage of  
22 the proceedings.

23 Stated differently, the evidence must be  
24 in a posture where it can be said that a rational

1 fact finder from the evidence adduced could conclude  
2 that the Defendant is guilty of the offenses charged  
3 beyond a reasonable doubt. This permits the Court  
4 to look at the evidence and the reasonable inferences  
5 to be drawn from the evidence.

6 It was originally my intention to write out  
7 my findings of fact and conclusions of law and in  
8 that vein, I started a memorandum which I have deter-  
9 mined not to complete. I want to, however, before  
10 I go into the memo, as far as it has been developed,  
11 to make some preliminary observations. I will then  
12 read so much of the memo as has been written and  
13 then I will relate the law to the facts of this case  
14 as I understand them to be.

15 First I would like to clear up what we are  
16 talking about when we talk about a confession, because  
17 the document attributable to the Defendant, in the  
18 Court's judgment, is not a confession. A confession  
19 is a statement by the Defendant that admits all of the  
20 material elements of an offense. A statement by the  
21 Defendant is a statement that contains within it  
22 matters which could supply an element of the offense,  
23 matters from which elements of the offense may be  
24 inferred but need not admit every material element of

1 the offense. So it is with an admission. But for  
2 the purpose of our discussion, insofar as the rules  
3 of law apply to a confession or a statement or an  
4 admission, the rule would not change insofar as  
5 the corpus delicti is concerned. So while we have  
6 talked about this statement, or this document, as  
7 being a confession of the Defendant, I do not think  
8 that as a matter of law that is what it is.  
9 Although I also have adopted that language and  
10 I speak of the Defendant's statement as a confession,  
11 but I want you to understand, as I understand, that  
12 this document does not recite all of the elements  
13 of an offense or of the offenses for which the Defendant  
14 is charged. I don't think that either side would  
15 disagree with that.

16 For instance, this statement is wholly,  
17 totally, absolutely devoid of any language wherein  
18 the Defendant speaks of the offense of first degree  
19 murder. So it is not a confession, at least as to  
20 that crime, and may and probably is not a confession  
21 as to the other crimes for which he's charged.  
22 Secondly, I have read all of the memos that have  
23 been submitted to me and I think that there is some  
24 misstatements of the facts by both sides and some

1 misutilization of authority by both sides. To that  
2 extent, I have done some of my own research and at  
3 least in my head have straightened out as nearly as  
4 I can the misstatement of fact and the inappropriate,  
5 if you please, utilization of the authorities.  
6 I may fall also into that same area, but at least  
7 I've tried to recognize where the proponents have,  
8 in my judgment, stretched the fact either by  
9 inferences to be drawn or by a statement of what a  
10 fact is further than my recollection would permit  
11 me to go.

12 So with that caveat, I started to write.  
13 I said, the Defendant, Jerome Hendricks, is on trial  
14 without a jury for multiple counts of murder,  
15 paren, Chapter 38, Section 9-1A, paren 1, paren 2,  
16 paren 3, close paren, multiple counts of aggravated  
17 criminal sexual assault, paren, Chapter 38, Section  
18 12-14A, paren 1, close paren, 2 close paren, 3 close  
19 paren four, close, and Chapter 38, Section 12-14D(1).  
20 Criminal Sexual Assault, Chapter 38, Section 12-13  
21 paren A, close paren, 1, close. Concealment of a  
22 homicidal death, Chapter 38, Section 9-3.1A, paren A  
23 point 1 paren A, close paren. And kidnapping,  
24 Chapter 38 Section 10-1 paren A close paren, paren 1

1 close paren. Multiple counts of aggravated kidnapping,  
2 Chapter 38 Section 10-2A, close paren A, close paren  
3 2, close paren 3, close paren. And unlawful restraint,  
4 Chapter 38, Section 10-3 paren A, close paren.

5 The Defendant has moved for acquittal at the  
6 close of the State's case in chief, and argues that  
7 the State has failed to prove the corpus delicti of  
8 the offenses and assuming arguendo that these elements  
9 have been proven, the evidence fails to establish the  
10 Defendant as the criminal agent. Turning first  
11 to the corpus delicti. "The corpus delicti is a  
12 crime of murder. Consists of two elements. The  
13 fact of death and the fact that the death was produced  
14 by the criminal agency of some person." People versus  
15 Holmes 67 Ill. 2d 236. The corpus delicti of criminal  
16 sexual assault and aggravated criminal sexual assault  
17 consists of proof of sexual penetration and the fact  
18 that the sexual penetration was accompanied by means  
19 of the various criminal agencies alleged. The corpus  
20 delicti of concealment of a homicidal death consists  
21 of proof of death by homicide and concealment of the  
22 body by someone. The corpus delicti of kidnapping  
23 and aggravated kidnapping consists of proof of knowing  
24 and secret confinement without consent. The corpus

1 delicti of unlawful restraint consists of proof of  
2 detainment without legal authority. The corpus  
3 delicti of these offenses must be established out-  
4 side of the confession of the defendant or the  
5 defendant's confession must otherwise be corroborated  
6 and if so corroborated it may then be used to establish  
7 the corpus delicti.

8 And ruling on the Defendant's motion for  
9 acquittal, the evidence is viewed in the light most  
10 favorable to the State. When viewed in that light  
11 it is clear that the evidence establishes the corpus  
12 delicti of murder. The deceased was found in an  
13 abandoned garage. The body was badly decomposed  
14 and maggot infested. There were two ligatures  
15 around the neck. The hands were tied behind the  
16 back. The cause of death was strangulation. Thus  
17 entirely independent of the statements of the Defendant  
18 the corpus delicti was established beyond a reasonable  
19 doubt.

20 The record is devoid of any evidence of the  
21 corpus delicti of the criminal sexual assault  
22 counts. However, if the statement or confession  
23 of the Defendant is sufficiently corroborated, then  
24 the independent corroborating evidence, along with the

1 statement of the Defendant, may establish the corpus  
2 delicti beyond a reasonable doubt. People versus  
3 Webb, 153 Ill. App. 3d 1055. In Webb, the Court  
4 said, "The corpus delicti is the body or substance  
5 of the crime which ordinarily includes the act and  
6 the criminal agency." (Citations omitted.)  
7 As the Court stated in People versus Blamerick  
8 (phonetically spelled), in order to establish  
9 the corpus delicti, "There must be either some  
10 independent evidence or corroborating evidence out-  
11 side of the confession which tends to establish  
12 that a crime occurred. If there is such evidence,  
13 and that evidence tends to prove that the offense  
14 occurred, then that evidence, if it corroborates  
15 the facts contained in the Defendant's confession,  
16 may be considered, together with the confession  
17 to establish the corpus delicti. Further, the  
18 corroborating evidence need not establish the corpus  
19 delicti independent of the confession and need not  
20 be direct and positive evidence." (Citations  
21 omitted.) "The test for basing a conviction on  
22 confession is whether the independent evidence shows  
23 that a crime did occur although the evidence need  
24 not establish that fact beyond a reasonable doubt,

1 and whether the independent evidence corroborates or  
2 bolsters the circumstances of the confession."  
3 (Citations omitted.) "When the test is satisfied  
4 both independent evidence and the confession may be  
5 considered in determining whether the corpus delicti  
6 is sufficiently proved."

7 In this case, the Defendant's confession  
8 is corroborated sufficiently to permit useage of  
9 the Defendant's confession and the corroborating  
10 evidence establishes the corpus delicti of the  
11 other offenses, other than the murder. The murder  
12 offense having been the corpus delicti, having been  
13 established entirely outside of the confession of  
14 the Defendant. So we turn next then to see whether  
15 or not the deceased in this case who met her death  
16 by means of a criminal agency as established by the  
17 evidence in this case is in fact the person named  
18 in this Indictment. And because the corpus delicti  
19 of murder is established entirely independent of the  
20 Defendant's statement, in determining whether or not  
21 her identity has been proven, we can look to all of  
22 the evidence in this case, including the statements  
23 of the Defendant. The evidence establishes that the  
24 deceased in this case had a direct and strong tie to

1 the premises located at 11720 South Princeton, and  
2 was there at that location on August 1st, 1988, at  
3 about 9:00 a.m. in the morning. The evidence tends  
4 to indicate that she was then seen wearing a white  
5 tank top, white shorts to the knees, and white gym  
6 shoes with the word Princess or the Princess Shoes  
7 with the word Denise on the left shoe. The testimony  
8 of Yolanda Hill was to the effect that she was  
9 approximately four feet eleven inches tall, weighed  
10 100 pounds. That she was last seen at about 5:00  
11 p.m. on the afternoon of August 1st, 1988. And has  
12 not been seen alive since that time by any member  
13 of her family down to and including the date of  
14 the testimony of Yolanda Hill. The Defendant in  
15 his statement acknowledges that the person that he  
16 was talking about was attached to 11720 South Princeton.  
17 As he puts it in the statement of August 1st, 1988,  
18 he saw and met a girl that was standing at 11720 South  
19 Princeton. He further acknowledges that he and this  
20 young girl went into the garage in which she was found  
21 and engaged in an act of sexual intercourse; that he  
22 left; when he left the garage, the young girl was  
23 still there. He further says that while in the act  
24 of intercourse she pulled her shirt over her back and

1 and pulled up over her head, or completely over her  
2 head. On Wednesday or Thursday he said that he went  
3 into the garage. He saw something that looked like a  
4 body and he said it was the same girl that he had had  
5 sex with and that the shirt was still in the same  
6 position over her head.

7 I conclude from that fact that this girl  
8 was never seen alive after August 1st, the fact that  
9 the Defendant identified the decedent in this case  
10 as the same girl, and I take it by the same girl  
11 he is referring and does explicitly refer to the  
12 same girl to mean the girl that he had sex with on  
13 August 1st in that garage. I further take it that  
14 that girl was the girl that he met at 11720 Princeton.  
15 Thus, when viewed in the light most favorable to the  
16 State, the identity of the decedent in this case,  
17 it's fully established.

18 Having disposed of the question of the  
19 identity of the girl and the corpus delicti of murder,  
20 the issue then becomes whether or not the evidence in  
21 this case proves beyond a reasonable doubt that the  
22 Defendant in this case is the murderer or is respon-  
23 sible for her death. Again, viewing the evidence  
24 in the light most favorable to the State, I conclude

1 that the State proves that fact beyond a reasonable  
2 doubt.

3 Now, the fact of eight days or seven days  
4 between the date of death and the date of finding  
5 this decedent's body and the fact that the pathologist  
6 failed to testify as to time or date of death does  
7 not preclude a determination that this girl died  
8 on or about August 1st, 1988, or in the early morning  
9 hours of August 2nd, does not take any scientific  
10 expert evidence to reach the conclusion that the  
11 body of this young girl had been in that garage for  
12 some period of time. The degree of decomposition  
13 of the body and the fact that it was maggot infested  
14 aids us in determining that the decedent had been dead  
15 for some period of time. How long clearly is not shown.  
16 But it did not occur on August 8th, August 2nd, August  
17 6th, and probably occurred earlier than that.

18 But in any event, one does not have to be an  
19 expert in anything to know that this girl had been dead  
20 for some period of time.

21 It's the Defendant who tells us that the  
22 shoelace found around the decedent was still in place  
23 or substantially in place when he saw her at the time  
24 that he discovered the body. Thus, one can conclude

1 that the shoelace was the instrument of death. That  
2 is adduced from the testimony of the pathologist who  
3 testified in this case, who described not only the  
4 positioning of the ligature but the depth to which  
5 the ligature had penetrated the skin and creased the  
6 skin in that it was not a loosely tied ligature and  
7 probably was the instrument that resulted in her  
8 death. It's the same shoelace that the Defendant  
9 says the young girl wanted him to place around her  
10 neck.

11 So I conclude that the State has proven  
12 beyond a reasonable doubt at this stage the offense  
13 of first degree murder. The criminal sexual assault,  
14 aggravated criminal sexual assaults are also deducible  
15 from the evidence in this case because the  
16 corroborating evidence of time, person, place,  
17 coupled with the statement of the Defendant, clearly  
18 shows an act of sexual intercourse and an act of  
19 violence, either invited or consented to, or forced  
20 upon the deceased in this case. The Defendant's  
21 assertion in his statement that this was invited  
22 foreplay, if you please, can be used to determine  
23 that the sexual acts were perpetrated through the  
24 use of force or by threats of force. So I conclude

1 that the State has proven the aggravated criminal  
2 sexual assault counts. The criminal sexual assault  
3 count also is proven for the same reason. The  
4 concealment of a homicidal death which requires  
5 proof beyond a reasonable doubt of concealment of a  
6 body that meets its death by homicide.

7 I have already indicated that I believe  
8 that the evidence in this case, independent of  
9 the Defendant's statement, establishes a homicidal  
10 death. Leaving it in that garage covered as it was  
11 is a sufficient concealment under the Statute to  
12 prove beyond a reasonable doubt the offense of  
13 concealment of a homicidal death. Kidnapping is a  
14 knowing and secret confinement against the will of  
15 another. That offense also must be established  
16 beyond a reasonable doubt outside of the confession  
17 of the Defendant, or the Defendant's confession must  
18 otherwise be corroborated sufficiently for the  
19 confession to be used to aid in establishing that  
20 offense also. I think that the confession is suf-  
21 ficiently corroborated in many respects to say and  
22 reach the conclusion that the Defendant knowingly  
23 and secretly confined the victim in this case against  
24 her will. The aggravated kidnapping -- there is another 47

1 reason that one can conclude it was against her will  
2 at this stage of the trial also, and that is because  
3 the Statute provides that concealing or secreting or  
4 confining a person under the age of 13 is *prima facie*  
5 evidence of it being against the will, unless there  
6 is the consent of the parent or guardian. The aspect  
7 of the Statute which allows that conclusion or that  
8 inference, or makes such concealment *prima facie*  
9 evidence gives rise to an affirmative defense and  
10 does not require the State to show in its case in  
11 chief that there was no consent but rather simply  
12 means that it's *prima facie* evidence which is  
13 subject to being rebutted but must be rebutted if  
14 at all by the Defense. That's also the case with  
15 aggravated kidnapping, particularly the aggravated  
16 kidnapping charged predicated upon the age of the  
17 deceased in this case. The Statute makes it aggra-  
18 vated kidnapping to conceal a person under the age  
19 of 13.

20 The evidence in this case clearly establishes  
21 that the deceased in this case was under the age of 13  
22 and that is established entirely outside of the state-  
23 ment of the Defendant and establishes that charge beyond  
24 a reasonable doubt. The charges of aggravated

1 kidnapping and inflicting great bodily harm also is  
2 proved beyond a reasonable doubt. The charge of  
3 aggravated kidnapping being aggravated, the predicate  
4 for aggravation being the commission of a felony to  
5 a first degree murder also is proven beyond a  
6 reasonable doubt. The charge of aggravated kidnapping,  
7 the aggravating factor being the commission of the  
8 offense of aggravated criminal sexual assault,  
9 also is established beyond a reasonable doubt.  
10 The offense of unlawful restraint, which requires  
11 the detainment of another without legal authority,  
12 also is established beyond a reasonable doubt.

13 Now, having said that, there are one or  
14 two counts in this Indictment that seems to me cannot  
15 stand.

16 The Defendant's motion for a directed  
17 finding as to Count 1 is denied. As to Count 2,  
18 it's also denied. As to Count 3, it's denied.  
19 As to Count 4, it's denied. As to Count 5, the  
20 Defendant's motion for directed finding is sustained.  
21 As to Count 6, this motion is denied. As to Count 7,  
22 this motion is denied. As to Count 8, the Defendant's  
23 motion is sustained. As to Count 9, the motion is  
24 denied. As to Count 10, the motion is denied. As to 49

1 Count 11, the motion is denied. As to Count 12,  
2 it's denied. As to Count 13, it's denied. As to  
3 14, it's denied. 15, denied. 16 is denied. 17  
4 is denied. 18 is denied.

5 Ms. Placek, are you ready to proceed?

6 MS. PLACEK: No, Judge. I have an out-of-state  
7 fitness who needs seven days. I can be ready next  
8 week as per the Court's schedule.

9 MR. MURPHY: Judge, there are various police  
10 officers here pursuant to the Defendant's subpoena.

11 MS. PLACEK: They have been in the State's  
12 care, control and custody, so obviously we haven't  
13 seen them. If the Court wants to continue this  
14 until tomorrow, I have no problem with continuing it.

15 MR. MURPHY: These officers have been in the  
16 building all day and available.

17 MS. PLACEK: Well, Judge, it would have been  
18 nice to know. They didn't make themselves known  
19 to the Office of the Public Defender or this court-  
20 room, or it would have been nice if the State knew,  
21 they could have let myself or my partner know.

22 We could start tomorrow at 9:00 if the  
23 State will be ready. I will not of course be able  
24 to conclude because I was under the impression

1 we were going to go ahead with the jury, but I will  
2 take the police officers tomorrow.

3 THE COURT: Can your officers be here tomorrow?  
4 We can put in some time on it tomorrow.

5 MR. MURPHY: Whatever date the Court sets.

6 MS. PLACEK: Can we start tomorrow at 9:00,  
7 Judge?

8 THE COURT: Well, I don't know whether we can  
9 or not. Starting at 9:00 proposes that the  
10 Defendant will be here at 9:00. I'm not sure  
11 whether the Sheriff's Office will accommodate you  
12 on that issue. I will ask the Clerk to indicate  
13 on the Defendant's mittimus to return him here at  
14 9:00 a.m. Whether he will be here or not, in my  
15 judgment, is most doubtful; but when he arrives  
16 we'll try to start hearing this case.

17 MS. PLACEK: I appreciate that.

18 THE COURT: Order of Court, March 26th at 9:00 a.m.

19 (Which were all the proceedings  
20 had in the above-entitled cause  
21 on this date.)

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23

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9                   REPORT OF PROCEEDINGS of the hearing had  
10                  before the Honorable LEO E. HOLT, Judge of said  
11                  court, on the 26th day of March, 1991.

12 · APPEARANCES:

13 HONORABLE JACK O'MALLEY.

14 State's Attorney of Cook County. by

15 | MR. JOHN MURPHY,

16 MR. SCOTT CASSIDY,

17 Assistant State's Attorneys,

18 for the People of the State of Ill.

19 MR. RANDOLPH N. STONE,

20 Public Defender of Cook County, by

21 MS. MARIJANE PLACEK,

22 MR. VICENT LUFRANO,

23 Assistant Public De

24 for the defendant.

1 THE CLERK: Sheet 4, line 1;

2 Jerome Hendricks, in custody.

3 THE COURT: Both sides ready?

4 MS. PLACEK: Since, quite frankly, we ran  
5 into quite a bit of a problem yesterday with the  
6 State being in care of and custody of our  
7 witnesses, as I understand, there is one witness  
8 in court at this time. I know of possibly no  
9 others unless the State knows of some.

10 (Witness sworn.)

11 MS. PLACEK: Your Honor, may I proceed?

12 THE COURT: Yes.

13 OFFICER STEVE MATKOVICH,  
14 called as a witness on behalf of the Defendant,  
15 having been first duly sworn, was examined and  
16 testified as follows:

17 DIRECT EXAMINATION

18 BY

19 MS. PLACEK:

20 Q Sir, would you state your name,  
21 spelling your last name for the purpose of the  
22 record?

23 A Officer Steve Matkovich,  
24 M-a-t-k-o-vich?

1 Q Now, you use the word officer, are you  
2 employed by the Chicago Police Department?

3 A Yes, ma'am, I am.

4 Q Could you tell his Honor, Judge Holt,  
5 approximately how long have you been employed by  
6 that organization?

7 A Over thirty years.

8 Q And what is your current assignment.  
9 today?

10 A I'm a youth officer in area two youth  
11 with the City of Chicago.

12 Q Calling your attention to August 1,  
13 1988, do you recall whether or not you were a  
14 youth officer at that time for that organization?

15 A Yes, ma'am, I was.

16 Q And as a part of your duty, did you  
17 have occasion to become involved with a missing  
18 person's investigation?

19 A On the 2nd of August, I did, ma'am.

20 Q And when you say the 2nd of Agusut, do  
21 you remember what was the name of the person who  
22 was, in fact, considered missing?

23 A Denise Johnson.

24 Q And as a result of that investigation,

1 did you have a conversation with a Yolanda Hill?

2 A Yes, ma'am.

3 Q And could you tell his Honor, Judge  
4 Holt, when and where you had that conversation?

5 A I had it over the telephone on the 2nd  
6 of August, '88, in the a.m hours.

7 Q Now, when you say you had it over the  
8 telephone, did you later interview her?

9 A I interviewed a group of people that  
10 were out in front of the home at 11720 Princeton.  
11 I don't know specifically if Yolanda was one of  
12 them at this time.

13 Q Would anything refresh your  
14 recollection as to whether or not she was part of  
15 that?

16 A No, ma'am.

17 Q Did you write a report in this matter?

18 A Yes, ma'am.

19 Q Did you write who you personally  
20 interviewed as part of that report?

21 A I wrote who I interviewed, including  
22 the telephone conversation, that's how I worded  
23 it in my report.

24 Q You didn't separate it, saying personal

1 interview, etc.?

2 A I don't believe so, no.

3 Q Show you Defendant's Exhibit No. 5 for  
4 identification. I'd ask you to identify that.

5 A Yes, ma'am, this is my report that I  
6 made on the 2nd.

7 Q Does it, in fact, contain a personal  
8 interview with Yolanda Hill?

9 THE COURT: Is that how it's worded?

10 MS. PLACEK: That's correct, your Honor.

11 Q Does it, in fact, contain a personal  
12 interview with Yolanda Hill?

13 A Yeah, if I put it down, sure.

14 Q Was this on August 2, 1988?

15 A Yes, ma'am.

16 Q And at that time did you find out that  
17 Yolanda Hill was, in fact, the aunt of  
18 Denise Johnson?

19 MR. MURPHY: Objection, Judge.

20 MS. PLACEK: Impeachment, Judge.

21 THE COURT: Who are we impeaching?

22 MS. PLACEK: Yolanda Hill, Judge.

23 THE COURT: The objection is overruled. I  
24 will permit it at this point. I don't know how

1 far this is going to go.

2 MS. PLACEK: Q Officer, do you remember  
3 the question, or shall I repeat it for you?

4 A Would you, please?

5 Q Sure. Did Yolanda Hill, in fact, tell  
6 you that she was the aunt of Denise Johnson?

7 A Yes, at that time she did.

8 Q And, as a matter of fact, did she also  
9 tell you that she had an altercation or an  
10 argument with Denise Johnson before  
11 Denise Johnson left the porch of Yolanda Hill's  
12 home?

13 A Yes, ma'am.

14 Q Did she also tell you, speaking of  
15 Yolanda Hill, that the argument involved  
16 Denise Johnson talking to and dating adult men?

17 A No, ma'am.

18 Q Did she tell you what the argument  
19 involved?

20 A She said she had a talk with her. And  
21 she recognized Jerome Hendricks --

22 MS. PLACEK: Motion to strike as  
23 non-responsive.

24 MR. MURPHY: Objection.

1           THE COURT: The objection is sustained. You  
2 may complete your answer.

3           THE WITNESS: A She talked to her and said  
4 that Jerome Hendricks had just got out of jail  
5 for raping some girl, and don't be talking to  
6 adults like that. She could get in trouble.

7           MS. PLACEK: Q And that's an important fact  
8 that she told you that, is that correct?

9           A Yes.

10           Q As an important fact, you would put  
11 that in your report, wouldn't you?

12           A Yes.

13           Q Show you again Defendant's Exhibit No.  
14 5. It contains a conversation with you and  
15 Yolanda Hill. Please circle the part where you  
16 say that Jerome Hendricks had just got out of  
17 jail, and in fact, she had an altercation or she  
18 talked to Yolanda Hill about not talking to  
19 Jerome Hendricks because of him getting out of  
20 jail dealing with rape.

21           MR. MURPHY: Objection, Judge.

22           THE COURT: Sustained.

23           MS. PLACEK: Q Officer, does it state  
24 anywhere in your conversation on your report

1 that, in fact, Yolanda Hill told you at the time  
2 that Jerome -- that she had talked to Denise  
3 Johnson and relayed as part of this talking to  
4 that Jerome Hendricks had been convicted of rape?

5 MR. MURPHY: Objection.

6 THE COURT: The objection is sustained.

7 MS. PLACEK: Q Isn't it correct that what  
8 it does say on your report is she, Yolanda Hill,  
9 observed her neice Denice talking on the front  
10 porch of her home with Jerome Hendricks, male  
11 Black, twenty-seven?

12 MR. MURPHY: Objection.

13 THE COURT: Sustained. The reason I'm  
14 sustaining these objections is because you cannot  
15 impeach this witness. It is collateral.

16 MS. PLACEK: I can impeach him as to his  
17 statement, Judge.

18 THE COURT: You cannot impeach the impeacher.

19 MS. PLACEK: Q Did you write down the  
20 statement on your report that Yolanda Hill told  
21 you?

22 A I -- not verbatim, but I did write it  
23 on my report, yes. I typed it on my report.

24 Q And when you say not verbatim, you

1 included all of the important things, correct?

2 A I don't know.

3 Q When you say you don't know, how long  
4 had you been writing reports?

5 A A long time.

6 Q Does the word "rape" appear on your  
7 report?

8 MR. MURPHY: Objection.

9 THE COURT: Sustained.

10 MS. PLACEK: Q Officer, isn't it a fact  
11 that what, in fact, Yolanda Hill told you was  
12 that she ordered Denise into the house?

13 MR. MURPHY: Objection, Judge.

14 MS. PLACEK: Impeachment of Yolanda Hill,  
15 Judge.

16 THE COURT: Overruled.

17 MS. PLACEK: Q Isn't that correct?

18 A She asked her to come into the house.

19 Q Isn't that correct that she told you at  
20 the time that she ordered her into the house?

21 A I don't know what her exact terminology  
22 was. That was my interpretation of it.

23 Q When you say the interpretation, I take  
24 it those are the words within the report?

1 A Yes.

2 MR. MURPHY: Objection, Judge.

3 THE COURT: Sustained.

4 MS. PLACEK: Q Isn't it correct that  
5 Yolanda Hill also told you she had an altercation  
6 with her neice?

7 A Again, that's my choice in words, yes.

8 Q And this was over her talking with  
9 adult men, correct?

10 A Over talking to Jerome --

11 MR. MURPHY: Objection, Judge, this is not  
12 impeaching.

13 MS. PLACEK: Judge, she said she didn't  
14 have a fight. This goes to --

15 THE COURT: Overruled.

16 MS. PLACEK: Q Isn't it correct that you  
17 wrote in your report, officer, the altercation  
18 was over her talking with adult men.

19 MR. MURPHY: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: A With Jerome Hendricks.

22 MS. PLACEK: Q Officer, isn't it correct  
23 that you wrote in your report over her talking  
24 with adult men?

1 MR. MURPHY: Objection.

2 THE COURT: The objection is sustained.

3 MS. PLACEK: Q Officer, isn't it correct  
4 that Yolanda Hill told you at the time that she  
5 had this fight with her neice over her speaking  
6 with adult men --

7 MR. MURPHY: Objection, Judge, this has been  
8 asked and answered. Now, this is the third time.

9 THE COURT: The objection is sustained.

10 MS. PLACEK: Q Officer, would it be correct  
11 in saying tht this conversation that you had with  
12 Yolanda Hill -- officer, and excuse me for using  
13 the clarification question. I believe you said  
14 that the altercation was over Jerome Hendricks --  
15 her talking to Jerome Hendricks and talking to  
16 men, correct?

17 A I said that by the use of the word men,  
18 I meant her talking to Jerome Hendricks.

19 Q Is Jerome Hendricks more than one man?

20 MR. MURPHY: Objection, Judge.

21 MS. PLACEK: I'm allowed to understand what  
22 he meant by his report. I'm not seeking to  
23 impeach him.

24 THE COURT: The objection is sustained.

1 MS. PLACEK: Q Well, officer, how many  
2 people did you know Jerome Hendricks to be?

3 MR. MURPHY: Objection, Judge.

4 MS. PLACEK: Q At the time.

5 THE COURT: The objection is sustained.

6 MS. PLACEK: Q let me ask you this,  
7 officer. Did you describe Jerome Hendricks as  
8 men?

9 MR. MURPHY: Objection, Judge.

10 THE COURT: Sustained. Do you have any  
11 further questins?

12 MS. PLACEK: I'm waiting for your ruling,  
13 Judge.

14 THE COURT: Sustained.

15 MS. PLACEK: I'm sorry.

16 Q How would you describe Jerome Hendricks  
17 as he sits before you today, as a man or men?

18 MR. MURPHY: Objection, Judge.

19 THE COURT: Sustained.

20 MS. PLACEK: Officer, let me ask you this.  
21 Where were you yesterday?

22 A Here. During the daylight hours?

23 Q Yes.

24 A Here.

1 Q Did you come down to court after this  
2 -- excuse me. Were you in this is courtroom or  
3 were you up in the State's Attorney's office?

4 A I was in both places.

5 Q How long were you in the State's  
6 Attorney's office?

7 A During the day, I didn't keep track of  
8 the hours.

9 Q Officer, did you go over your report?

10 A I did, yes, ma'am.

11 Q Did you speak with the State's  
12 Attorneys about your report?

13 A Yes, I believe I did.

14 Q Did you go over your interpretation of  
15 your report with the State's Attorney?

16 A Not too much. We did one word, yes,  
17 the word "altercation," what I meant by it.

18 Q Did you go over the words "adult men"  
19 in your report?

20 MR. MURPHY: Objection, Judge.

21 THE COURT: The objection is sustained.

22 MS. PLACEK: May I have a basis, Judge?

23 THE COURT: You can't impeach the impeacher.

24 MS. PLACEK: I'm not, Judge.

1           THE COURT: That's all it could be. If not,  
2 it's not relevant.

3           MS. PLACEK: No, Judge, I'm just confused  
4 myself as to how he could testify differently  
5 from his report. Perhaps I don't understand his  
6 terms, Judge.

7           THE COURT: The objection is sustained.

8           MS. PLACEK: Q Did Yolanda Hill tell you  
9 also at the time that the child returned to the  
10 porch?

11           MR. MURPHY: Judge, I'm going to object.  
12 That is not even impeaching. There's been no  
13 foundation laid for that.

14           THE COURT: Objection overruled.

15           MS. PLACEK: Q Did she tell you that the  
16 child returned to the porch?

17           A Yes, ma'am.

18           Q Did she say that she later went to  
19 check the porch and the child was gone?

20           A Yes.

21           Q Did she then say she called the  
22 guardian, Mrs. Fields, who then, in turn, called  
23 the police?

24           A Yes.

1 MR. MURPHY: Objection, Judge.

2 THE COURT: The objection is sustained.

3 MS. PLACEK: Q Did she tell you that -- did  
4 she tell -- did she tell you at the time that  
5 Denise had run away before?

6 MR. MURPHY: Objection.

7 THE COURT: Sustained.

8 MS. PLACEK: Q Approximately what time did  
9 you speak to her?

10 A I spoke to her in the -- on the 2nd of  
11 August in the morning. Exactly what time, I  
12 don't know, around 10 o'clock, I would say.

13 Q Approximately what time did she say she  
14 left? And I'm speaking of Yolanda Hill. Did she  
15 tell you that her neice left the home?

16 MR. MURPHY: Objection, Judge.

17 THE COURT: Sustained.

18 MS. PLACEK: That's all, Judge.

19 THE COURT: Cross.

20 MR. MURPHY: No questions, Judge.

21 THE COURT: Thank you, Mr. Matkovich. You  
22 may step down.

23 Call your next witness, please.

24 (Witness excused.)

1 MS. PLACEK: I don't have any, Judge.

2 THE COURT: There's a police officer in the  
3 courtroom that was on this case, I believe.

4 THE COURT: Judge, I would ask for a few  
5 minutes before we proceed to the next witness.

6 THE COURT: Mr. Coleman is right outside of  
7 the door. Would you ask him to come in. We can  
8 start the call.

9 (Whereupon, the above-  
10 entitled cause was passed  
11 and other proceedings had,  
12 after which the following  
13 proceedings were had:)

14 CLERK: Sheet 4, line 1; Jerome Hendricks.

15 (Witness sworn.)

16 THE COURT: You may proceed.

17 MS. PLACEK: Your Honor, under Chapter 13,  
18 we would ask that she be considered as a hostile  
19 witness.

20 THE COURT: We'll proceed, and we'll see if  
21 she turns out to be a hostile witness, if so, I  
22 will allow you that.

23 ESTELLE FIELDS,  
24 called as a witness on behalf of the Defendant.

1 having been first duly sworn, was examined and  
2 testified as follows:

3 DIRECT EXAMINATION

4 BY

5 MS. PLACEK:

6 Q State your name, spell your last name  
7 for the purpose of the record.

8 A Estelle Fields, F-i-e-l-d-s.

9 Q You, in fact, were the legal guardian  
10 of Denise Johnson, is that correct?

11 A Yes.

12 Q Approximately how long were you the  
13 legal guardian of Denise?

14 A About a year and a half.

15 Q Previous to the August 1st date, 1988,  
16 had Denise ever disappeared before?

17 A No.

18 Q By the way, calling your attention to  
19 August 3, 1988, did you have a conversation with  
20 the Chicago Police officer by the name of Daniel,  
21 and I will spell the name, G-r-z-y-b.

22 MR. MURPHY: Counsel, what date is that?

23 MS. PLACEK: August 3rd.

24 Q Did you have a conversation with a

1 police officer of that name?

2 A Not that I recall, not that name.

3 Q Well, let me ask you this. You did  
4 have conversations in regards to your missing --  
5 the missing Denise Johnson with the Chicago  
6 police, correct?

7 A I'm sorry. You said August 3rd?

8 Q August 3rd.

9 A Of '88?

10 Q Of '88. Did you have a conversation  
11 with a Daniel -- and I'd ask the Court's help --  
12 G-r-z-y-b, common spelling, I supposed?

13 A Not that I remember.

14 MR. MURPHY: Judge, I believe counsel is  
15 going to go into a report which we don't have  
16 possession of.

17 MS. PLACEK: Well, I find that hard to  
18 believe, Judge, since all of the reportrs we  
19 subpeonaed. We hand no independent reports. And  
20 all of the reports that we have were given us by  
21 the State's Attorney's Office, Mr. Ronkowski, who  
22 was then assigned the case.

23 And Judge, Mr. Lufrano, at the  
24 beginning of this case, when they claimed not to

1 have the whole youth missing person's file, which  
2 we were originally given by the State, opened our  
3 file to them for xeroxing.

4 MR. MURPHY: Judge, first of all,  
5 Mr. Ronkowski did not give all of the files to  
6 the defense, because based on what he told me, I  
7 checked that, after it was represented to the  
8 Court the last time. But, in any event, Judge,  
9 on one of the previous dates, there was a  
10 reference made to another report we didn't have,  
11 and counsel did tender to us a package of  
12 reports, which were purportedly the youth reports  
13 on this case. They were stapled together by us,  
14 and that report was not in the package, Judge,  
15 and we did not have that report before that.  
16 I have not seen that report.

17 MS. PLACEK: I find that --

18 THE COURT: Mr. Murphy, these are police  
19 reports. The State normally has more access to  
20 them than the defense.

21 MR. MURPHY: Sure, Judge.

22 THE COURT: And you would be tendering to  
23 her. How would she know that you don't have  
24 copies of police reports, which you're required

1 to tender to her?

2 MR. MURPHY: Well, Judge, we filed a motion  
3 for discovery in this case, too. There's a duty  
4 imposed on the defense as well as the State. And  
5 just because we work with the police department  
6 does not mean that every report that's generated  
7 we get.

8 THE COURT: Tell me which rule under Rule  
9 414 requires the defense to tender to you police  
10 reports, Mr. Murphy?

11 If you don't have a copy of the  
12 rule, I have a copy of it. I'm not certain that  
13 the rule even envisioned that, because one would  
14 contemplate that the police would turn over to  
15 you all of the reports that are relevant to this  
16 case.

17 Now, if you're asking me for an  
18 opportunity to get the report, I will allow you to  
19 do that. But I'm not going to sanction the  
20 defense because you don't have a police report,  
21 unless there's some clear indication that  
22 something untold has gone on in the procurement of  
23 this report. And I can't see how that could  
24 possibly be.

1           MR. MURPHY: Yes, Judge, I can't tell you  
2 that, because I don't know, except that I thought  
3 we had received all of the youth reports in the  
4 possession of the defense. And apparently, we  
5 didn't.

6           THE COURT: In the possession of the police?  
7 You should be receiving all of the reports in the  
8 possession of the police department.

9           MR. MURPHY: There's a duty that goes both  
10 ways in these motions.

11          THE COURT: Tell me where it is in Rule 414  
12 that imposes the duty on the defense to turn over  
13 police department records to the State?

14          MR. MURPHY: When we file a motion for  
15 discovery, that means something with respect to  
16 any material.

17          THE COURT: It means that you follow rules.  
18 If you show me a rule that obligates the defense  
19 to do that which you're asking, I will enforce  
20 the rule.

21          MR. MURPHY: I would ask that the case be  
22 passed for a minute.

23          MS. PLACEK: I ask that no State's Attorney  
24 be allowed to talk to the witness.

THE COURT: Miss Fields, do not discuss your testimony in this case with anybody, any of the lawyers during the recess of this case.

MR. MURPHY: I'd ask that that report be tendered.

THE COURT: Pass. Take care of your own discovery.

(Whereupon, the case was passed and other proceedings had, after which time the following proceedings were had:)

THE CLERK: Sheet 4, line 1;

THE COURT: Miss Fields, would you come back and take the stand, please.

Miss Placek, you may proceed.

MS. PLACEK: Thank you, very much.

**DIRECT EXAMINATION CONT'D**

BY

MS. PLACEK:

Q Miss Field, I believe the last question I asked you was whether or not on August 3rd, 1988, concerning the disappearance of your

1 guardian -- Strike that -- not your guardian, but  
2 Denise Johnson, whether you spoke to  
3 Officer Grzyb from the youth area of the Chicago  
4 Police Department. Do you understand where we  
5 are now?

6 A Yes.

7 Q And did you have a conversation with  
8 that gentleman. And I will spell his last name,  
9 G-r-z-y-b.

10 A I had a conversation with a gentleman  
11 from the youth office, but I can't recall his  
12 name.

13 Q And at that time isn't it correct that  
14 you told him that Denise Johnson had run away  
15 before, in 1987?

16 A No, ma'am.

17 MR. MURPHY: Objection.

18 THE COURT: What's the basis of the  
19 objection?

20 MR. MURPHY: Well, Judge, first of all,  
21 they have not -- the defense has not laid the  
22 foundation for impeachment.

23 MS. PLACEK: Before the State interrupted, I  
24 thought we did, Judge.

1 THE COURT: The objection is sustained.

2 MS. PLACEK: Q Did Denise Johnson ever run  
3 away before August 1st, 1988 date?

4 A No, ma'am.

5 Q Calling your attention, again, to the  
6 conversation on August 3, 1988, did you have a  
7 conversation with an Officer Grzyb of the Chicago  
8 Police Department?

9 A Is this the same officer?

10 Q Same officer, same question.

11 A Yes.

12 Q And did you tell him at that time that  
13 Denise had, in fact, been missing from home in  
14 1987?

15 A No, ma'am.

16 Q And run away?

17 A No.

18 Q Did Denise haev any interests, hobbies?

19 A Yes.

20 Q And what were those?

21 A Tennis, swimming.

22 Q Is that all?

23 A She sang in the church choir. She  
24 loved that.

1 Q Isn't it, in fact, true that her  
2 interest was, in fact, boys?

3 A No, ma'am.

4 Q Calling your attention to August 3,  
5 1988, again, speaking of Officer Grzyb, did you  
6 tell him at the conversation previously mentioned  
7 that the only interest or the interest that  
8 Denise had was boys?

9 A No, ma'am. No.

10 Q Now, you stated previous to the  
11 interruption that, in fact, you had been Denise's  
12 guardian for some -- almost two years, is that  
13 correct?

14 A Yes.

15 Q And isn't it correct that since the  
16 death of her mother -- I believe that would  
17 coincide with the death of her mother, correct?

18 A Grandmother.

19 Q Grandmother. I do beg your pardon.  
20 Grandmother, correct?

21 A Yes.

22 Q And would it be correct in saying that  
23 since Denise's grandmother died or passed, Denise  
24 had become a problem child?

1 A No.

2 MR. MURPHY: Objection.

3 THE COURT: Overruled.

4 MS. PLACEK: Q Again, calling your  
5 attention to that conversation with Officer Grzyb  
6 on August 3rd, 1988, did you, in fact, tell him  
7 that -- well, let me rephrase. And may I  
8 withdraw that question and ask another?

9 THE COURT: You may.

10 MS. PLACEK: Q Would it be correct in  
11 saying that previous to her disappearance that  
12 Denise had become a problem child?

13 A No.

14 Q Calling your attention, again, to the  
15 August 3rd, conversation with Officer Grzyb, did  
16 you, in fact, tell him that Denise had become a  
17 problem child?

18 A No.

19 Q Thank you.

20 THE COURT: Cross. Are you finished?

21 MS. PLACEK: No, just dramatic effect,  
22 Judge.

23 THE COURT: You may continue.

24 MS. PLACEK: Q Now, calling your attention

1 to August 7th, 1988, did you have -- did you know  
2 who Hardy Johnson was

3 A Yes.

4 Q And could you tell his Honor, Judge  
5 Holt, who Hardy Johnson was?

6 A My brother-in-law.

7 Q Well, would it be correct in saying  
8 that he was Denise's step-grandfather?

9 A Yes.

10 Q And would it be correct in saying that  
11 in July of 1988, and on August 1st, 1988, that,  
12 in fact, Denise wanted to stay with Hardy  
13 Johnson?

14 THE COURT: Do you understand the question?

15 THE WITNESS: Yes, I understand the  
16 question.

17 A Well, yes.

18 MS. PLACEK: Q And isn't it correct she not  
19 only wanted to stay at Hardy Johnson's, but she  
20 often ran over to Hardy Johnson's address and  
21 stayed there, correct?

22 A No.

23 Q Well, let me ask you this. Am I  
24 correct in saying that when Denise -- could it be

1 correct in saying that Hardy Johnson had helped  
2 Denise against your wishes in these occasions?

3 MR. MURPHY: Objection, Judge.

4 THE COURT: The objection is sustained.

5 MS. PLACEK: Q Well, let me ask you this.  
6 How would you describe your relationship with  
7 Hardy Johnson?

8 MR. MURPHY: Objection, Judge.

9 THE COURT: No. Overruled.

10 THE WITNESS: A It's okay.

11 MS. PLACEK: Q Well, when you say "okay,"  
12 would it be correct that sometimes the two of you  
13 -- and I'm speaking of yourself and  
14 Hardy Johnson -- fought or had a dis -- may I  
15 withdraw "fight," Judge -- had a disagreement over  
16 the raising of Denise?

17 MR. MURPHY: Objection, Judge.

18 THE COURT: Overruled.

19 THE WITNESS: A Sometimes.

20 MS. PLACEK: Q Am I correct in saying that  
21 Hardy Johnson often helped out Denise against  
22 your wishes?

23 A No.

24 Q Calling your attention to August 3rd.

1 1988, did you have a conversation with an  
2 Officer Padgurskis, P-a-d-g-u-r-s-k-i-s, of the  
3 Chicago Police Department, Area Two Youth  
4 Division?

5 A I can't recall the dates or the names.  
6 I have had conversations with several police  
7 officer since this incident. I could have. I  
8 can't say for sure.

9 Q Well, at that time did you state that  
10 Hardy Johnson had previously assisted Denise  
11 against, Mrs. Fields's, your wishes?

12 MR. MURPHY: Objection, Judge.

13 THE COURT: Basis?

14 MR. MURPHY: What's the relevance, Judge?

15 THE COURT: I don't know. It may develop to  
16 be relevant. The objection is overruled.

17 MS. PLACEK: Q Did you state at that time  
18 that Hardy Johnson had previously assisted Denise  
19 against your wishes?

20 A No.

21 Q Do you know where Hardy Johnson lived?

22 A No, ma'am, not at this time.

23 Q Well, at that time, on August -- around  
24 August 1st, through 8th of 1988?

1 A Yes.

2 Q Could you tell his Honor, Judge Holt,  
3 where he lived?

4 A 10530 South State.

5 Q Thank you.

6 By the way, isn't it correct that  
7 Denise had a habit of freely associating with  
8 older men or boys in their late teens?

9 A No, ma'am.

10 Q Calling your attention, again, to that  
11 August 3rd conversation with Officer Padgurskis,  
12 P-a-d-g-u-r-s-k-i-s, do you remember having that  
13 conversation?

14 A I remember having a conversation with  
15 an officer.

16 Q Did you at that time tell him,  
17 Mrs. Fields, that yourself, explained that Denise  
18 had a habit of socializing freely with older men  
19 or boys in their late teens?

20 A No.

21 Q Now, calling your attention to the  
22 address of 103rd and Michigan, do you know where  
23 this is in relationship to 10530 South State?

24 A No.

1 Q Do you know where, in fact, 109th and  
2 Indiana is in relation to 10530 State Street?

3 A No.

4 Q Calling your attention to August 7,  
5 1988, did you have occasion to go anywhere with  
6 the Chicago Police Department?

7 A Pardon me?

8 Q Did you have an occasion to go anywhere  
9 with the Chicago Police Department?

10 A I went with an officer.

11 Q Would that be Officer Kaddigan?

12 A It could be. I can't recall those  
13 names. I'm sorry.

14 Q Well, was Officer Kaddigan a White man?

15 A Yes.

16 Q And on August 7th, did he come to your  
17 home?

18 A Yes.

19 Q And when he came to your home, did he  
20 take you anywhere?

21 A Yes.

22 Q Where did he take you?

23 A Took me on the next block on Wabash.

24 Q And the next block on Wabash, did he

1 take you anywhere else?

2 A He was -- he was just going on the next  
3 block. He was just riding around.

4 Q When you say, "riding around," do you  
5 know how far with Officer Kaddigan you went?

6 A From State Street over on Michigan. We  
7 went down to 107th and Michigan. And then back  
8 around to the house.

9 Q And could you describe what kind of  
10 neighborhood this was?

11 MR. MURPHY: Objection, Judge.

12 THE COURT: Overruled.

13 THE WITNESS: A A regular neighborhood.

14 Q When you say regular neighborhood, is  
15 this a residential neighborhood?

16 A Residential.

17 Q And when -- did you know why  
18 Officer Kaddigan was taking you around?

19 A Yes, ma'am.

20 Q Why was Officer -- why were you in the  
21 car with Officer Kaddigan?

22 A He said that someone had called the  
23 police station on the phone and said that --

24 MR. MURPHY: Objection, Judge, this is

1 hearsay.

2 MR. LUFRANO: It's not for the truth of the  
3 matter.

4 THE COURT: What's the purpose?

5 MR. LUFRANO: The purpose is to show why she  
6 was in the car, the state of mind of the officer  
7 and she --

8 THE COURT: I will receive it for that  
9 limited purpose. Objection overruled.

10 MS. PLACEK: Q Continue your answer, ma'am.

11 A He said that a guy had called down at  
12 the police station and had said -- gave them some  
13 information about that they had thought they had  
14 seen Denise somewhere around in this area.

15 Q And approximately -- did he say a guy  
16 or two women?

17 A He said a guy.

18 Q And did he say when this guy, in fact,  
19 had called?

20 A That night or something.

21 Q And did he say that this guy had, in  
22 fact, seen Denise in the area that day?

23 A He said that someone had told him that  
24 they seen Denise.

1 Q In the area that day?

2 A Yes.

3 Q Thank you.

4 How long did you ride around in  
5 the car with Officer Kaddigan that night? And  
6 I'm speaking of the August 7th night.

7 A It wasn't long. About -- maybe five or  
8 ten minutes.

9 Q Before that, had you given  
10 Officer Kaddigan a picture of Denise?

11 A Not that I can recall.

12 Q Do you know whether or not he had a  
13 photo of Denise?

14 A Not that I can recall.

15 MS. PLACEK: Thank you. That's all, Judge.

16 THE COURT: Cross.

17 CROSS EXAMINATION

18 BY

19 MR. MURPHY:

20 Q Now, Mrs. Fields.

21 A Yes?

22 Q Mrs. Fields, Denise was what  
23 relationship to you? Besides you being her  
24 guardian before she died, what other relationship

1 did you have with her?

2 A She was my niece.

3 Q And Mr. Hardy Johnson, he was your  
4 stepbrother, is that correct?

5 A He's my brother in law.

6 Q What relationship was he to Denise?

7 A Her grandfather.

8 Q Now, Denise was living with you at the  
9 time that she disappeared on August 1st, 1988, is  
10 that correct?

11 A Yes.

12 Q And before she moved in with you, she  
13 had been living with her grandfather, is that  
14 correct?

15 A Yes.

16 MS. PLACEK: Objection.

17 THE COURT: Basis?

18 MS. PLACEK: Beyond the scope.

19 THE COURT: Overruled.

20 MR. MURPHY: Q In fact, she was living with  
21 her grandfather and her grandmother?

22 A Yes.

23 Q And then her grandmother died?

24 A Yes.

1 MS. PLACEK: With all due respect, this is  
2 continuing beyond the scope, Judge.

3 THE COURT: Overruled.

4 MR. MURPHY: Q And after her grandmother  
5 died, her grandfather couldn't handle her, and  
6 she moved in with you and your family, is that  
7 correct?

8 A Yes.

9 Q And approximately how long did she live  
10 with her grandmother and grandfather before she  
11 died?

12 MS. PLACEK: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: All of her life.

15 MR. MURPHY Q And that was her home before  
16 she moved into your place, is that correct?

17 A Yes.

18 Q And she loved her grandfather and  
19 grandmother.

20 A Yes.

21 Q When she moved into your home, would it  
22 be fair to say that she missed her grandfather  
23 and missed her home?

24 A Yes.

1 MS. PLACEK: Objection.

2 THE COURT: Overruled.

3 MR. MURPHY: Q And counsel asked you that  
4 when Denise was living in your home did she ever  
5 want to stay at her grandfather's house, and you  
6 said she did, is that true?

7 A Yes.

8 Q In fact, she told you at various times  
9 that she wanted to go back and live with her  
10 grandfather, whom she had lived with most of her  
11 life, isn't that true?

12 A She wanted her grandfather -- all of us  
13 to live together.

14 MS. PLACEK: Motion to strike. Hearsay.

15 THE COURT: Overruled.

16 MR. MURPHY: Q And Estelle, at any time  
17 when Denise was living with you did she ever go  
18 to her grandfather's house after she moved in  
19 with you?

20 A Yes.

21 Q And at any time did she ever go to her  
22 grandfather's house without you knowing about it?  
23 Did that ever happen one time?

24 A One time.

1 MS. PLACEK: Objection.

2 THE COURT: What's the basis of your  
3 objection?

4 MS. PLACEK: Beyond the scope, Judge, but  
5 specifically as to foundation..

6 THE COURT: Overruled.

7 MR. MURPHY: Q Did that ever happen one  
8 time, Estelle?

9 A Yes, once.

10 Q And could you tell Judge Holt the  
11 circumstances under which that happened

12 A I had gone to the store, and when I  
13 came back, my daughter was sleep. And when I  
14 came back, Denise was gone. And I asked my  
15 daughter where she was, and my daughter said that  
16 she didn't know.

17 Well, then, I called over her  
18 grandfather's house, who was her second guardian,  
19 and he wasn't there at the time. And so, then, I  
20 called the police. And the police asked me to  
21 call over their again. When I did call again, he  
22 was at home. And he had picked her up, And we  
23 had a disagreement over that. He was supposed to  
24 let me know when he's taking her, even though we

1 had the same guardianship.

2 Q This was after she had moved into your  
3 home, is that right?

4 A Yes.

5 Q And were you upset because Denise left  
6 your home and went to her grandfather's house and  
7 you were not aware of it, is that correct?

8 A Right.

9 Q Would it be fair to say at that time  
10 that you may have been even a little upset at her  
11 grandfather?

12 MS. PLACEK: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: A Yes.

15 MR. MURPHY: Q To your knowledge, that was  
16 the only time that she was in your home that she  
17 ever left and went somewhere and you didn't know  
18 where she was at, is that correct?

19 A Yes.

20 Q And on that particular occasion, she  
21 went to her grandfather's house?

22 A Yes.

23 Q And her grandfather, in fact, picked  
24 her up, at least drove her some of the way to the

1 house, is that true?

2 A Yes.

3 Q At any other time, either when Denise  
4 was living with you or in your relationship with  
5 Denise, did you ever know her to ever run away  
6 from home?

7 A No.

8 Q At any time when she was in your home,  
9 did she ever spend any nights out on the street  
10 away from her bed?

11 A No.

12 Q Did you ever have any knowledge,  
13 Estelle, of Denise wanting to be with men or  
14 boys?

15 A No.

16 Q During the time that she was living in  
17 your home, did you have any kind of difficulty  
18 with her having relationship at all with men or  
19 boys?

20 A Never.

21 Q And Estelle, to your knowledge, all of  
22 the time that you knew Denise, would you say that  
23 she was a typical twelve-year-old girl?

24 MS. PLACEK: Objection.

1 THE COURT: Objection sustained.

2 MR. MURPHY: Q Did she do things with her  
3 friends when she was living at your home?

4 A Yes.

5 MR. LUFRANO: Your Honor, this is way beyond  
6 the scope.

7 THE COURT: Overruled.

8 MR. MURPHY: Q She went out and played with  
9 her friends at various times, is that true?

10 MR. LUFRANO: Objection, asked and answered.

11 THE COURT: Overruled.

12 THE WITNESS: Yes.

13 MR. MURPHY: Q Did she help out around the  
14 family in the home?

15 MR. LUFRANO: Objection, irrelevant.

16 THE COURT: That's irrelevant. The  
17 objection is sustained.

18 MR. MURPHY: Q Now, on this particular day,  
19 August 1st, 1988, she went over to babysit at her  
20 cousin's house, is that right?

21 MS. PLACEK: Objection, beyond the scope.

22 THE COURT: Sustained.

23 MR. MURPHY: I have no further questions,  
24 Judge.

1 THE COURT: Redirect.

2 REDIRECT EXAMINATION

3 BY

4 MS. PLACEK:

5 Q By the way, who is Denise Wilson?

6 A That's Denise's mother.

7 Q And how are you related to  
8 Denise Wilson?

9 A I'm her aunt.

10 Q So, you're both the aunt of Denise  
11 Wilson and you're also the aunt of the child  
12 Denise Wilson? (sic)

13 A Yes.

14 Q And by the way, you said Denise wasn't  
15 habitually missing, correct?

16 A Right.

17 Q So, you would never tell Officer  
18 Bernard Pistello, when he asked you how many  
19 times she had been missing before, habitually,  
20 correct?

21 MR. MURPHY: Objection.

22 THE COURT: Sustained.

23 MS. PLACEK: Q Did you ever tell, on August  
24 5th, 1988, Officer Bernard Pistello that, in

1 fact, Denise was habitually missing?

2 MR. MURPHY: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: A I never told him that she  
5 was missing.

6 MS. PLACEK: Q Now, this one incident the  
7 State's Attorney asked about involving the  
8 grandfather, when was that?

9 A About, maybe six months after my sister  
10 died, I think. I can't recall -- give you the  
11 date or the time or the day.

12 Q What year?

13 A It was in '87.

14 Q And the way you described it, once you  
15 found out where -- well, let me ask you this.

16 MS. PLACEK: May I withdraw that, Judge?

17 Q How long was Denise missing?

18 A On the date that I was talking about?

19 Q Yes.

20 A About fifteen minutes.

21 Q She wasn't missing a day, was she?

22 A No.

23 Q By the way, isn't it correct that in  
24 1987, Denise was, in fact, missing a day from

1 your home?

2 MR. MURPHY: Objection, Judge.

3 THE COURT: Sustained. It's been asked and  
4 answered.

5 MS. PLACEK: I will withdraw on that basis,  
6 Judge. That's all.

7 THE COURT: Anything further?

8 MR. MURPHY: No, Judge.

9 THE COURT: Thank you, Mrs. Fields. You may  
10 step down.

11 (Witness excused.)

12 THE COURT: Do you have any further  
13 witnesses?

14 MS. PLACEK: If the uniformed police officer  
15 is still here, Judge.

16 THE COURT: Is he still here?

17 MR. MURPHY: Yes, sir. And also, Officer  
18 Kaddigan is here, too. They are in the jury  
19 room.

20 Judge, may the witness remain in  
21 the courtroom?

22 THE COURT: She may remain.

23 MR. LUFRANO: Q We call Officer Blackman.

24 THE CLERK: Raise your right hand, officer.

1 (Witness sworn.)

2 THE COURT: You may proceed, Mr. Lufrano.

3 JOHN BLACKMAN,  
4 called as a witness on behalf of the Defendant,  
5 having been first duly sworn, was examined and  
6 testified as follows:

7 DIRECT EXAMINATION

8 BY

9 MR. LUFRANO:

10 Q Good afternoon. State your name and  
11 occupation, please, spelling your last name.

12 A John Blackman, B-l-a-c-k-m-a-n.

13 Q Calling your attention to July, 1984,  
14 do you recall speaking with a young lady by the  
15 name of Phyllis Williams?

16 A I'd have to refresh my memory, sir.

17 Q Is there anything that would help you  
18 refresh your recollection?

19 A A copy of my case report would come in  
20 kind of handy.

21 Q Show you what is marked as People's  
22 Exhibit No. 6 for identification. Would you look  
23 at this, please?

24 THE COURT: This is in 1984?

1 MR. LUFRANO: Yes, your Honor.

2 MS. PLACEK: This goes to impeachment.

3 MR. LUFRANO: She had testified here.

4 THE WITNESS: Okay.

5 MR. LUFRANO: Q Now, officer, does that  
6 refresh your recollection to any degree?

7 A Slightly, it does, sir.

8 Q Now, do you recall the young lady?

9 A Offhand, I couldn't identify her if she  
10 stood before me right now.

11 Q Now, from that report and what  
12 recollection it refreshes, were you the first  
13 officer on the scene there?

14 A My partner and myself, yes.

15 Q Now, you were at her home, correct?

16 A Says we were called to 7415 South  
17 Phillips.

18 Q That is not a hospital, correct?

19 A That is not a hospital, no.

20 Q And at that time you had a discussion  
21 with her concerning the allegations of rape.

22 A Yes, we did.

23 Q And to your recollection up until that  
24 time, she had not gone to the hospital, correct?

1 MR. MURPHY: Objection.

2 THE COURT: What's the basis of your  
3 objection

4 MR. MURPHY: What's the relevance, Judge?  
5 First of all, how does this officer know. Number  
6 two, what is the relevance of it?

7 MS. PLACEK: Impeachment, Judge, of the  
8 witness as to prior crimes. If the officer would  
9 step out of the courtroom.

10 THE COURT: How does this impeach?

11 MS. PLACEK: Judge, if the officer would  
12 step out.

13 THE COURT: That's not necessary.

14 MS. PLACEK: The witness testified that she  
15 didn't know she was in the hospital when she was  
16 speaking to the uniformed police officer, Judge.  
17 The point is that according to his report, and  
18 again --

19 THE COURT: The objection is overruled.

20 MS. PLACEK: Thank you.

21 MR. MURPHY: Judge, It's collateral. She  
22 said she spoke to the police officer. If she  
23 spoke that police officer at the hospital, what  
24 does it matter whether it was this officer or

1 another officer?

2 THE COURT: The objection is overruled.

3 MR. LUFRANO: Q Officer, do you remember  
4 the question?

5 THE WITNESS: A You asked if this took  
6 place in a hospital.

7 Q Right.

8 A It did not.

9 Q To your knowledge, at the time you had  
10 spoken to her, she had not been to a hospital,  
11 correct?

12 A To my knowledge, no.

13 Q And you asked her that specifically,  
14 did you not?

15 A I asked her if she would like to go to  
16 a hospital.

17 Q What did she say?

18 A I can't recall.

19 Q Well, did you take her to the hospital?

20 A Counselor, for the life of me, I  
21 couldn't give you an answer one way or the other  
22 right now. It's been that long ago.

23 Q If you had transported her to the  
24 hospital, would that have appeared in your notes?

1 A Yes, it would have.

2 Q Does it appear in your notes?

3 MR. MURPHY: Objection.

4 THE COURT: Sustained.

5 MR. LUFRANO: Q Well, you have reviewed  
6 your notes, correct?

7 A I have reviewed them, yes.

8 Q And there is nothing in those notes  
9 that causes you to remember taking her to the  
10 hospital, correct?

11 MR. MURPHY: Objection.

12 THE COURT: Sustained.

13 MR. LUFRANO: Q Well, at this point you  
14 don't remember taking her to the hospital.

15 A At this point, I don't.

16 Q Now, did she inform you that she and  
17 the defendant Jerome Hendricks went to a game  
18 room after having sex?

19 A I don't recall.

20 Q Did she tell you anything about the  
21 incident itself?

22 A Counselor, I didn't write the report  
23 here. But she didn't tell me anything except,  
24 basically, what is here right now.

1           Q    Right.  Had she done that, that would  
2  have been included in the report, right?  
3           A    It may or may not have, sir.

4           MR. MURPHY:  Objection, Judge.

5           THE COURT:  Sustained.. .

6           MR. LUFRANO:  Q  There was an allegation of  
7  rape, correct?

8           A    Yes, there was.

9           Q    And there was an allegation of force,  
10 correct?  It's inherent in the charge of rape.

11          A    Yes, there was.

12          Q    And there's no weapon that you recall  
13 mentioned to you after reading your report,  
14 correct?

15          A    There in the report on line -- it says  
16  -- 50, item 4, it's X'd with a knife.

17          Q    There's no mention in your report, nor  
18 do you ever remember her telling you, that there  
19 was a rope involved, correct?

20          MR. MURPHY:  Objection.

21          THE COURT:  Sustained.

22          MR. LUFRANO:  Q  Officer, after refreshing  
23 your recollection with the notes taken after  
24 speaking with her on the date in questions, do

1 you recall whether or not she mentioned that a  
2 rope was used?

3 A I can't recall.

4 Q Now, how long had you been an officer  
5 when this report was written?

6 A Sixteen years.

7 Q Now, to the charge of rape, if somebody  
8 had indicated to you, after sixteen years on the  
9 police force, that as a part of that rape a rope  
10 was used, would it not have been customary for  
11 you to put that in the report?

12 MR. MURPHY: Objection.

13 THE COURT: Sustained.

14 MR. LUFRANO: Q Would you not have, in  
15 fact, put that in your report?

16 MR. MURPHY: Objection.

17 THE COURT: Sustained

18 MR. LUFRANO: Q You discussed with her the  
19 entire incident, did you not?

20 A I don't recall.

21 Q Well, sir, what were you there for?

22 MR. MURPHY: Objection, Judge.

23 THE COURT: Sustained.

24 MR. LUFRANO: Q You were not there,

1 specifically, to gain information concerning the  
2 charge that she was attempting to make at the  
3 time?

4 MR. MURPHY: Objection.

5 THE OCURTG: Overruled.

6 THE WITNESS: We were there to find out if,  
7 in fact, a crime had been committed, as had been  
8 alleged when the dispatcher gave us the  
9 assignemtn.

10 MR. LUFRANO: Q Right. And you want the  
11 details of that crime, correct?

12 A That's correct.

13 Q That is the duty of the first officer  
14 on the scene, is it not?

15 A That is the duty of the preliminary  
16 investigator.

17 Q And isn't he to be as thorough as  
18 possible?

19 A He is.

20 Q And were you not, in fact, as thorough  
21 as possible?

22 MR. MURPHY: Objection, Judge.

23 THE COURT: The objection is sustained.

24 MR. LUFRANO: Q Now, she never told you

1 anything about having one leg out of her pants,  
2 did she?

3 A Not that I recall.

4 Q Now, officer, looking at the date, what  
5 time was this alleged occurrence?

6 A Looking at the date, the time was  
7 18:30, which is 6:30 civilian time, in the  
8 evening.

9 Q And what time did you and your partner  
10 arrive?

11 A The next day at 2:25 hours, which is  
12 2:25 in the morning.

13 Q Now, that's approximately eight to ten  
14 hours later, correct?

15 A That's approximately.

16 Q And you were the first officer there,  
17 correct?

18 A We were the first ones sent over to  
19 that address, yes, sir.

20 Q And she made no mention of talking to  
21 anyone else prior to that, correct?

22 A To the best of my knowledge, I don't  
23 recall.

24 Q And you did not talk to her at a

1 hospital nor transport her to a hospital,  
2 correct?

3 A Again, to the best of my knowledge, I  
4 don't recall transporting her to the hospital or  
5 talking to her in a hospital?

6 MR. LURANO: No further questions.

7 THE COURT: Cross.

8 CROSS EXAMINATION

9 BY

10 MR. MURPHY:

11 Q Officer, you testified you don't  
12 remember anything about a hospital? You were  
13 only shown your case report. Is there anything  
14 else that would refresh your recollection other  
15 than the case report?

16 A Possibly.

17 Q Would the Supplemental report refresh  
18 your memory?

19 A Possibly.

20 MR. LUFRANO: Objection, he didn't prepare  
21 it.

22 THE COURT: It doesn't make any difference  
23 what it was that refreshes his memory, whether he  
24 prepared it or not.

1                   MR. MURPHY: Thank you, Judge. I'm sorry.  
2                   What number are we at at this point? Do your  
3                   records indicate?

4                   THE COURT: Thirty-five.

5                   MR. MURPHY: Thank you, Judge. For the  
6                   record, I will mark this exhibit People's Exhibit  
7                   No. 35.

8                   Q        Do you recognize what that is?

9                   A        It's a supplemental case report to the  
10                  original case report that my partner and myself  
11                  executed on the first of June.

12                  Q        I'm going to ask you to look at that  
13                  report, look at both pages. It's a two-page  
14                  report, is that correct?

15                  A        Yes, it is.

16                  Q        As you look at the supplemental report,  
17                  officer, is your memory refreshed as to whether  
18                  or not this woman, Phyllis Williams, was taken to  
19                  a hospital?

20                  MR. LUFRANO: Objection, because it's still  
21                  hearsay, your Honor. No, withdrawn, Judge, not  
22                  at this time.

23                  THE COURT: The objection is withdrawn.

24                  MR. MURPHY: Q    Take a few minutes, officer.

1           A    Yes, sir. The report would indicate  
2 that --

3           MS. PLACEK: Excuse me. Volunteering,  
4 Judge.

5           MR. MURPHY: Q Please read the report and  
6 tell me if after you have read the report your  
7 memory is refreshed then. I'm not asking you to  
8 tell me what the report says.

9           A    My memory has been refreshed.

10          MR. MURPHY: Q And was she, in fact, taken  
11 to a hospital, officer?

12          A    She was.

13          Q    Where was she taken?

14          A    It would have been Jackson Park.

15          Q    And officer, you noted that she was  
16 taken to a hospital. Do you remember exactly  
17 what hospital it was or are you guessing?

18          MS. PLACEK: Objection, asked and answered.

19          THE COURT: Objection overruled.

20          MR. MURPHY: Q Officer, do you remember  
21 what hospital?

22          A    Not offhand, but most of our -- the  
23 nearest hospital to that area would be Jackson  
24 Park.

1 Q Is there anything that would refresh  
2 your memory as to the hospital she was taken to?

3 A That would have been in the report, and  
4 I possibly skipped right over it.

5 MR. LUFRANO: Objection to refreshing his  
6 recollection again.

7 THE COURT: Overruled.

8 MR. MURPHY: Q Officer, look at the report.  
9 And once you have looked at it, please give it  
10 back to me. Is your memory refreshed as to what  
11 hospital?

12 A Yes, it is.

13 Q What hospital was that?

14 A Southshore Hospital.

15 Q Officer, you also testified that -- and  
16 a question was asked you on direct examination  
17 that there was an allegation of force, is that  
18 correct?

19 A That's correct.

20 Q And the allegation of force was based,  
21 at least as to what you recall, based at least  
22 one weapon, is that correct?

23 A That's correct.

24 Q And the reason you know that it was a

1 weapon and that weapon was a knife is you looked  
2 at your original report and refreshed your  
3 memory, isn't that true?

4 A Yes.

5 Q Was there any other weapon involved that  
6 you remember as you sit here now?

7 A Not that I could honestly say that I  
8 remember, no.

9 Q Is there anything that would refresh  
10 your memory as to any other weapon involved in  
11 the commission of this aggravated criminal  
12 assault or rape?

13 A It may be in the report -- in the  
14 supplemental that we didn't include in our  
15 original.

16 Q Thank you. Ask you to look at that  
17 police report, please. Read it and tell me if  
18 your memory is refreshed as to whether another  
19 weapon was used.

20 A It's refreshed.

21 Q And officer, what do you remember about  
22 the use of another weapon and what that weapon  
23 was?

24 A Use of another weapon had been

1 mentioned, and my partner did not put it in the  
2 report, but --

3 Q What was that weapon?

4 A The other weapon was a rope.

5 Q What is your recollection about that  
6 weapon?

7 A It had been placed around her neck and  
8 used through out the act.

9 Q Officer, would it be fair to say as you  
10 sit here almost seven years later that a lot of  
11 these incidents aren't clear in your mind?

12 A A lot of them are not.

13 Q And much of the conversation that you  
14 had with the complaining witness in this case,  
15 you don't recall except from reviewing the report  
16 and refreshing your memory as to what is in there  
17 and what is not in there, is that correct?

18 A That's correct.

19 Q And it would also be fair to say that  
20 the one police report that is prepared in this  
21 case that you were shown, the defense exhibit,  
22 was not prepared by you, but was prepared by your  
23 partner?

24 A That's correct.

1 Q That police report contains a  
2 three-line summary of this incident, is that  
3 correct?

4 A That's correct.

5 Q And obviously that report doesn't  
6 contain all of the information that you and your  
7 partner learned with respect to this case, isn't  
8 that true?

9 A Yes.

10 MS. PLACEK: Objection.

11 THE COURT: Overruled.

12 MS. PLACEK: Not authored, how does he  
13 know?

14 THE COURT: Overruled.

15 MR. MURPHY: Q Is that true, officer?

16 A That's true.

17 Q And officer, in this particular case,  
18 would you and your partner be the only officer  
19 who would have contact with the victim in this  
20 case?

21 A Throughout the whole investigation?

22 Q Yes.

23 A No, sir.

24 Q Would you tell Judge Holt what did

1 happen in this case, if you recall, after you and  
2 your partner responded to the scene?

3 THE COURT: What's the relevance?

4 MR. MURPHY: They are trying to impeach the  
5 witness with the fact that she didn't speak to  
6 the officer at the hospital.

7 MS. PLACEK: If it pleases the Court, she  
8 said she spoke to the officer at the hospital.

9 MS. MURPHY: I withdraw it, Judge. No  
10 further questions.

11 THE COURT: Anything further?

12 MR. LUFRANO: Yes, Judge.

13 REDIRECT EXAMINATION

14 BY

15 MR. LUFRANO:

16 Q Officer, do you remember the name of  
17 your partner on that day?

18 A Lawrence Terry.

19 Q Now, the second report that that was  
20 shown to you by the officer who spoke with her at  
21 the hospital, that was the supplemental report,  
22 correct?

23 A That's correct.

24 Q That was done after you and your

1 partner left, right?

2 A That's correct.

3 Q It was some other officers who brought  
4 her to the hospital some ten hours after this  
5 incident, right?

6 A It would probably be the follow-up  
7 investigators, which are commonly called  
8 detectives, sir.

9 Q Now, other than the two reports, you  
10 really don't have any independent recollection,  
11 right?

12 A That's correct.

13 Q One report, you and your partner did,  
14 right? That was Defendant's No. 6. The  
15 Supplemental report was done by two officers that  
16 you didn't have any contact with, correct?

17 A True.

18 Q And the things that they were talking  
19 about to the witness there being a rope involved  
20 wasn't in your report, right?

21 MR. MURPHY: Objection, Judge.

22 THE COURT: Overruled.

23 THE WITNESS: A It wasn't in ours, no.

24 MR. LUFRANO: And there was not rope or

1 knife ever recovered, correct?

2 A Not to my knowledge.

3 MR. LUFRANO: Q Would anything refresh your  
4 recollection to be sure?

5 MR. MURPHY: Objection, Judge.

6 THE COURT: What's the basis?

7 MR. MURPHY: Q He said there was no rope or  
8 knife recovered to his recollection.

9 THE COURT: Now, we're going to see if we  
10 can refresh his recollection.

11 MR. LUFRANO: Q Show you what's marked as  
12 Defendant's Exhibit No. 7 for identification,  
13 which is a copy of the supplemental report.

14 THE COURT: Objection overruled.

15 MR. LUFRANO: Does that refresh your  
16 recollection as to the evidence that was  
17 recovered?

18 A Yes, it does.

19 Q And What was that, sir?

20 A The evidence recovered was none.

21 Q Now, did you notice the date of the  
22 supplemental report?

23 MR. MURPHY: Objection.

24 THE COURT: Overruled.

1                   MR. LUFRANO: Q Show you again what's  
2 marked as Defendant's Exhibit No. 3 -- I'm sorry  
3 -- No. 7 for identification. What is the date  
4 that it bears?

5                   MR. MURPHY: Objection.

6                   THE COURT : The objection is sustained.

7                   MR. LUFRANO: Q Now, supplemental reports  
8 are written after the original case report,  
9 right?

10                  MR. MURPHY: Objection.

11                  THE COURT: Sustained, not relevant.

12                  MR. LUFRANO: Q Now, after reviewing the  
13 supplemental report and the case report, do you  
14 remember the victim Miss Williams telling you  
15 that she and the perpetrator went to a liquor  
16 store and a game room?

17                  MR. MURPHY: Objection, asked and answered  
18 on direct.

19                  MS. PLACEK: State since refreshed his  
20 memory, Judge.

21                  THE COURT: Overruled. Could you repeat the  
22 question, counsel.

23                  MR. LUFRANO: Q After refreshing your  
24 recollection with the supplemental report, do you

1 remember Miss Williams telling you and Officer  
2 Terry that after the incident she and the  
3 perpetrator left and went to a liquor store,  
4 bought some liquor and then went to a game room  
5 together?

6 A I don't recall her saying that.

7 Q Do you recall her saying that to you  
8 yesterday when you were talking to me?

9 MR. MURPHY: Objection.

10 THE COURT: Sustained.

11 MR. LUFRANO: Q Officer, is there anything  
12 that would refresh your recollection as to  
13 whether or not that statement was made?

14 MR. MURPHY: Objection.

15 THE COURT: Overruled.

16 MR. MURPHY: Judge, this is not impeachment  
17 in any event, because the witness testified  
18 consistent with those facts.

19 THE COURT: It's not a question of  
20 impeachment. This witness is called in the  
21 defense case in chief, and they are not trying to  
22 impeach him, they are trying to refresh his  
23 recollection and extract information from him if  
24 they can.

1                   MR. MURPHY: What they are doing that for is  
2 to offer a hearsay statement.

3                   THE COURT: Well, I'm not certain whether  
4 it's hearsay or not. It may be a lapse in his  
5 memory of what Phyllis Williams told him. And if  
6 that's what it is, then the document is  
7 appropriately used.

8                   What's bothering me more than  
9 anything else is an excursion into a crime which  
10 took place four years before the event. And it  
11 is wholly collateral. The problem is it was  
12 introduced in your case in chief. Now, we are  
13 defending something that has long since go by.

14                  MS. PLACEK: Then we would ask for a ruling  
15 on our motion in limine, ask that the testimony  
16 of other crimes be stricken.

17                  THE COURT: That request is denied, and  
18 therefore, they have a right to attack that  
19 information. However, it's going to go on,  
20 because we're not going to defend that trial.  
21 But that's the problem of introducing it. You  
22 get off into excursions that tend to distract and  
23 in many instances utilize time inappropriately.

24                  MR. MURPHY: Judge, I understand that. It's

1 just that from my recollection of  
2 Phyllis Williams' testimony, this is not  
3 impeaching.

4 THE COURT: It isn't seeking to impeach.

5 MR. MURPHY: Then they are trying to impeach  
6 a perfecting witness.

7 THE COURT: They are not trying to impeach  
8 this witness. They are trying to refresh his  
9 recollection as to things that Phyllis Williams  
10 told him.

11 MR. MURPHY: Okay, Judge. Fine, Judge.

12 THE COURT: If they can.

13 MR. LUFRANO: Q Officer show you what has  
14 been earlier marked as Defendant's Exhibit No. 7.  
15 And I ask you to look at page two, if that might  
16 help refresh your recollection.

17 A I see it, but it still brings -- I  
18 can't actually theorize her saying this to me.

19 Q You don't remember today that she said  
20 that?

21 A I don't.

22 Q Now, do you remember speaking with me  
23 yesterday?

24 A Yes, I do.

1 Q Do you remember indicating that you  
2 remembered that last night?

3 A That's what I was thinking.

4 Q Now, what occurred between last night  
5 and this morning, sir? . . .

6 A Nothing really.

7 Q Did you have a conversation with the  
8 State in this matter today?

9 A No, I didn't.

10 Q When you were removed from the  
11 courtroom and the State was allowed to speak with  
12 you, did they or did they not speak with you?

13 A Oh, yes.

14 Q And was it not concerning this matter?

15 A The matter that you just referred to,  
16 as far as what she said?

17 Q The matter with Phyllis Williams.

18 A No, sir.

19 Q And didn't the State tell you what  
20 problem areas were in her testimony?

21 A No, sir.

22 Q Now, you did not understand that the  
23 statements that she said were going to be  
24 important --

1 MR. MURPHY: Objection to that question.  
2 Judge.

3 THE COURT: The objection is sustained.

4 MR. LUFRANO: Q If you might remember the  
5 conversation we had last night, did that possibly  
6 refresh your recollection?

7 Let me ask you this. Do you  
8 remember me asking you questions as to whether or  
9 not the charges was dropped in the case with  
10 Phyllis Williams, that they were never -- that  
11 the man was never charged?

12 A I remember you asking that, yes.

13 Q And do you remember your answer, sir?

14 A I think I told you that --

15 MR. MURPHY: Objection, Judge.

16 THE COURT: Sustained.

17 MR. LUFRANO: Q I will ask if you remember  
18 your answer.

19 A I remember my answer.

20 Q Do you remember that I then asked you  
21 why -- what rationale might this have been?

22 A Yes, I remember.

23 Q Do you remember your telling me that it  
24 was probably because she had not gone to the

1 hospital immediately and she waited and then she  
2 went out and had a couple of drinks with the  
3 dude?

4 MR. MURPHY: Objection, Judge.

5 THE COURT: Sustained.

6 MR. LUFRANO: Q Well, does that prior  
7 conversation refresh your recollection?

8 A In regard to what, sir?

9 Q In regard to what Miss Williams said to  
10 you.

11 A Yes, it does.

12 Q And what is it that she said to you?

13 A I asked her myself what had happened,  
14 and I also asked her why it took her so long to  
15 call the police.

16 Q Okay. And did she remark anything  
17 about the trip to the liquor store to you?

18 A Not at that time, no.

19 Q Later on, did she tell you anything  
20 about the liquor store?

21 A The first contact I had with her was  
22 the last contact I had with her, sir. There was  
23 no later.

24 Q Now, when you had the conversation with

1       her in her home, did you believe what she was  
2       telling you at the time?

3            MR. LUFRANO:  Goes to his notes, Judge, and  
4       his frame of mind.

5            THE COURT:  Sustained.

6            MR. LUFRANO:  No further questions.

7            THE COURT:  Anything further?

8            MR. MURPHY:  No, Judge.

9            THE COURT:  Thank you, Mr. Blackman.  You  
10      may step down.

11           THE WITNESS:  Thank you, your Honor.

12                           (Witness excused.)

13            THE COURT:  Call your next witness.

14            MS. PLACEK:  Officer Kaddigan.

15            THE COURT:  Raise your right hand, officer.

16                           (Witness sworn.)

17            THE COURT:  You may proceed.

18                           DAVID KADDIGAN,  
19        called as a witness on behalf of the Defendant,  
20        having been first duly sworn, was examined and  
21        testified as follows:

22                           DIRECT EXAMINATION  
23                           BY  
24                           MS. PLACEK:

1 Q Sir, state your name and employment.

2 A My name is David Kaddigan, sergeant  
3 with the police department.

4 Q And spell your last name.

5 A K-a-d-d-i-g-a-n.

6 Q Officer Kaddigan, how long have you  
7 been employed by the Chicago Police Department?

8 A Over fourteen years.

9 Q And that would make you still employed  
10 by the Chicago Police Department during the week  
11 of August 1st, to approximately August 7th of  
12 1988, correct?

13 A That's correct.

14 Q Now, did you become involved in a  
15 missing person's matter during that particular  
16 time?

17 A I was involved in several.

18 Q Well, specifically, were you, in fact,  
19 involved in the missing person's matter involving  
20 Denise Johnson?

21 A Yes.

22 Q When did you first become involved in  
23 that?

24 A I believe on the 6th of August.

1 Q And on the 6th of August, did you  
2 receive anything in regard to this missing --  
3 well, may I withdraw and rephrase, your Honor?

4 THE COURT: Yes.

5 MS. PLACEK: Thank you.

6 Q Did you receive a picture of Denise  
7 Johnson?

8 A I think I received a picture on the 7th  
9 of August.

10 Q Now, when you say on the 7th of August,  
11 do you remember who you received that picture  
12 from?

13 A I believe it was the child's guardian,  
14 Miss Fields.

15 Q Would that be Mrs. Estelle Fields?

16 A Yes, it would be.

17 Q Do you see her in court? Is that the  
18 lady sitting right there with her hands folded  
19 across her chest?

20 A Yes.

21 Q And that was on the 6th of August?

22 A 7th of August.

23 Q I'm sorry. 7th of August.

24 Did she come down to the station,

1 or did you go there?

2 A I met her at a relative's house, 10530  
3 South State Street.

4 Q When you went to that address on State  
5 Street, was that during the early morning hours  
6 or the afternoon, or approximately what time did  
7 you go there?

8 A It was in the afternoon.

9 Q Do you remember approximately what  
10 time?

11 A I think maybe around two o'clock.

12 Q And at that time did you have a  
13 conversation with her?

14 A Yes, I did.

15 Q And when you had a conversation with  
16 her, what exactly did you say to her, without  
17 going into what she said to you yet.

18 A I really can't recall what I stated to  
19 her. Most likely I asked her about the missing  
20 person and who she might be staying with, if she  
21 had -- I spoke with her telephonically, and she  
22 brought her picture. I asked her if she had the  
23 picture.

24 Q What time did you speak -- well, let's

1 start over.

2 You spoke to her telephonically,  
3 correct?

4 A Yes.

5 Q At approximately what time did you  
6 speak to her telephonically?

7 A Sometime during my tour of duty that  
8 started that day at 8 o'clock in the morning.

9 Q Would that be previous to the  
10 conversation that you had in the early afternoon  
11 hours, approximately 2 o'clock?

12 A Yes.

13 Q And did you find out certain things  
14 about Denise Johnson?

15 A Probably. I can't really recall  
16 specifically.

17 Q Is there anything in court that would  
18 refresh your recollection?

19 A My report.

20 MR. MURPHY: Objection, Judge.

21 THE COURT: To whether or not his  
22 recollection can be refreshed?

23 MR. MURPHY: I will wait.

24 THE COURT: The objection is overruled.

1           THE WITNESS: A It would be my report. You  
2 want me to look at my report?

3           MS. PLACEK: Q One step at a time, officer.

4                   Did you find out whether or not  
5 the subject was a runaway or had been missing  
6 before?

7           MR. MURPHY: Objection.

8           THE COURT: Overruled.

9           MR. MURPHY: There's no foundation for that.

10           THE COURT: What do you call foundation?

11           MR. MURPHY: Well, Judge -- there is -- for  
12 what reason can this come in, Judge? "Did you  
13 find out if she was a runaway?" We don't know  
14 who it's from.

15           THE COURT: We'll get to that before it  
16 comes in.

17           MR. MURPHY: And it's hearsay, Judge.

18           THE COURT: It may or may not be.

19           MR. MURPHY: Anything he finds out is  
20 hearsay, Judge, from somebody else.

21           THE COURT: It may or may not be,  
22 Mr. Murphy. I will give you recourse in Chambers  
23 vs. Mississippi.

24           MS. PLACEK: Q Did you find out whether she

1 was a runaway?

2 A I can't recall. I believe I had  
3 learned from perusal of other reports that she  
4 was missing once before.

5 Q When you say perusal of other reports,  
6 in your experience as a Chicago Police Officer,  
7 would it be --

8 MR. MURPHY: I would ask that that answer be  
9 stricken, because it is hearsay.

10 MS. PLACEK: Judge --

11 MR. MURPHY: Or that it not be considered  
12 for the truth of the matter asserted.

13 THE COURT: Well, it's not being considered.  
14 We're talking about what he did and how he  
15 learned certain matters. The objection is  
16 overruled.

17 MS. PLACEK: Thank you.

18 Q In your experience as a Chicago Police  
19 Officer, specifically, I believe you were in the  
20 youth division at that particular time.

21 A That's correct.

22 Q You had looked for missing persons  
23 before, is that correct?

24 A That's correct.

1 Q Am I also correct in saying that when  
2 you were assigned a case, you went over to see  
3 what other officers had done, correct?

4 A That's correct.

5 Q And had you done that in this case most  
6 likely. Am I correct in assuming that at the  
7 particular time you spoke to Mrs. Johnson that  
8 you had, in fact, to the best of your knowledge,  
9 read other Chicago Police officers reports?

10 A Yes, I assume I might have.

11 Q And would I be correct in saying that  
12 you had read them with a view toward finding out  
13 something about the person you were looking for  
14 to better able to find them?

15 A Are you asking me if I looked at these  
16 report to determine if I could discover  
17 personality traits of the missing victim?

18 Q That's correct.

19 A I can't really say that I did that.

20 Q When you say you can't really -- I'm  
21 sorry. Could you repeat your answer?

22 A I can't decide if I looked at the other  
23 reports to determine any kind of particularities  
24 of this individual subject's personality that

1 would help me in the investigation. Normally,  
2 what I would do in looking at these reports would  
3 be to see if there are any new leads or new  
4 avenues with which I could approach my  
5 investigation.

6 Q And when you say you're not sure  
7 whether you looked at these reports, is that  
8 because your memory is exhausted?

9 A No, what I'm saying is in some cases I  
10 might have and in some cases I might not have.  
11 To testify that in this instance I did, I can't  
12 say with veracity.

13 Q Is that because you don't remember  
14 whether you did or didn't look at certain  
15 reports?

16 A I'm almost sure that I looked at other  
17 reports. If you're asking me that, if I looked  
18 -- my underlying motive for looking at those  
19 reports.

20 Q No, I'm asking you if you looked at  
21 other reports?

22 A Yes, I did.

23 Q From these reports you found out  
24 certain information, is that correct?

1 A That's correct.

2 Q And you were to use this information,  
3 correct?

4 A Correct.

5 Q And as a matter of fact, would it be  
6 correct in saying that you adopted these other  
7 reports as your own?

8 MR. MURPHY: Objection, Judge. How can he  
9 do that?

10 MS. PLACEK: Judge --

11 MR. MURPHY: A report that someone else  
12 prepares.

13 THE COURT: Sustained.

14 MS. PLACEK: Q Show you Defendant's Exhibit  
15 No. 6 for identification. Do you remember  
16 whether or not you saw that report?

17 A During the investigation?

18 Q Previous to speaking to Mrs. Fields?

19 A I really can't say whether I saw that  
20 or not.

21 Q Showing you what would, in fact, be  
22 marked as Defendant's Exhibit No. 7. Do you know  
23 -- Strike that.

24 That's your own report. Showing

1 you what has been marked as Defendant's Exhibit  
2 No. 7, do you know whether or not you looked at  
3 this report in preparation?

4 A I might have.

5 Q Thank you.

6 By the way, at the time you went  
7 to speak or on that August 7th date, of your own  
8 personal knowledge, did you know whether or not  
9 Denise Johnson had any interests?

10 A Any interests?

11 Q Yes.

12 MR. MURPHY: Objection, Judge. I will  
13 withdraw that at this time.

14 THE WITNESS: A I can't recall any  
15 interests that she might have had at this time.

16 MS. PLACEK: Q Well, isn't it correct that,  
17 in fact, Denise Johnson was interested in men and  
18 boys?

19 MR. MURPHY: Objection, Judge.

20 THE COURT: Sustained.

21 MS. PLACEK: Q On the 7th date, after you  
22 received the picture from Mrs. Fields, what did  
23 you do with that picture?

24 A Repeat your question.

1 Q On the date of August 7th, after  
2 receiving that picture from Mrs. Fields, what did  
3 you do with that picture?

4 A I took it across the street where I saw  
5 some people standing from 10530 State, and I  
6 showed these people the picture of the missing  
7 subject.

8 Q And what did you do after that?

9 A I asked those individuals if they had  
10 possibly seen the person in that picture.

11 Q And what did you do after that?

12 A After showing them the picture, I went  
13 back to my squad car and began a tour of the area  
14 with Mrs. Fields.

15 Q When you say you began a tour of the  
16 area with Mrs. Fields, did you have to get  
17 Mrs. Fields?

18 A No, she was there.

19 Q She was there when you were showing the  
20 picture to the people?

21 A I don't know if she was with me. I  
22 believe she was by 10530. I don't know if she  
23 accompanied me across the street when I talked to  
24 these people or not.

1 Q And approximately what time did you  
2 begin this tour of the area with Mrs. Fields?

3 A Around the same time I picked her up.

4 Q Approximately what time?

5 A About two o'clock in the afternoon.

6 Q And when you began this tour of the  
7 area, why did you began with that particular area  
8 tour? Why did you pick that particular area?

9 A Because I had developed information  
10 from those people I spoke to that --

11 MR. MURPHY: Objection, Judge, at this  
12 point.

13 MS. PLACEK: May I have the basis?

14 THE COURT: Sustained.

15 MS. PLACEK: Q Officer, did you have  
16 information that Denise Johnson had been seen in  
17 that area?

18 MR. MURPHY: Objection.

19 THE COURT: Sustained.

20 MS. PLACEK: Q Officer, the people you  
21 spoke to, were they women or men?

22 A I can't recall really. I believe it  
23 might have been two women.

24 Q By the way, officer, did you ever tell

1 Mrs. Fields that a man had called in and said  
2 that he had heard that Denise was out on the  
3 street or he had seen her, or he had heard that  
4 somebody had seen her out on the street?

5 A I don't believe I told her that.

6 Q Did you ever tell Mrs. Fields -- and  
7 I'm speaking of yourself, anything about anyone  
8 seeing Denise?

9 A I can't recall my conversation with  
10 Mrs. Fields, ma'am.

11 Q When you say you can't recall your  
12 conversation with Mrs. Fields, isn't it correct  
13 that you, in fact, told Mrs. Fields that an  
14 anonymous source had told you that the victim was  
15 seen on August 2nd?

16 A I indicated that in my report, whether  
17 or not I told her what this person -- I would  
18 assume what those people I had talked with said to  
19 me --

20 MR. MURPHY: Objection, as to what was  
21 indicated in the report.

22 MS. PLACEK: That's his answer.

23 MR. MURPHY: Ask that it be stricken.

24 THE COURT: Sustained. It will be stricken.

1 MS. PLACEK: Q Did you tell Mrs. Fields  
2 that two people had, in fact, seen Denise Johnson  
3 on August 2nd?

4 A I assume I did.

5 MR. MURPHY: Objection, Judge.

6 THE COURT: No, overruled.

7 MS. PLACEK: Q Now, as a Chicago police  
8 officer, you told Mrs. Johnson what you believed  
9 to be true, correct?

10 MR. MURPHY: Objection, Judge.

11 THE COURT: Sustained.

12 MS. PLACEK: Q Was the information, in  
13 fact, that you told Mrs. Johnson about two people  
14 seeing Denise alive on August 2nd, based on  
15 information that you had received?

16 MR. MURPHY: Objection, Judge.

17 THE COURT: Sustained, calls for hearsay.

18 MS. PLACEK: No, Judge, it goes to the basis  
19 of him making the statement.

20 THE COURT: Overruled.

21 MS. PLACEK: Q When you toured the area  
22 with Mrs. Johnson, was this tour made with --

23 A I didn't tour the area with  
24 Mrs. Johnson.

1 Q Mrs. Fields. I do beg your pardon.

2 When you toured the area with  
3 Mrs. Fields, was that based on information that  
4 you had earlier received?

5 A Most likely, yes.

6 Q Thank you, officer.

7 You also had a conversation with  
8 Mrs. Fields, correct?

9 A Yes, I'm sure I conversed with her.

10 Q And, isn't it correct that at that time  
11 she said that Hardy Johnson would have knowledge  
12 of the whereabouts of Denise Johnson?

13 MR. MURPHY Objection.

14 THE COURT: What's the purpose of that?

15 MS. PLACEK: Basis of foundational question  
16 as to hearsay, Judge, or rather as to impeachment  
17 of previous witness.

18 MR. MURPHY: I don't believe there were any  
19 questions asked of Estelle Fields regarding  
20 conversation with Officer Kaddigan.

21 MS. PLACEK: Yes, Judge, there were.

22 MR. MURPHY: Regarding impeachment, judge,  
23 as to what she told Officer Kaddigan? There were  
24 questions asked about touring the area and what

1      Officer Kaddigan told her.

2            THE COURT: The objection is sustained. .

3            MS. PLACEK: Q Isn't it correct that Mrs.  
4      Fields told you that Hardy Johnson would be  
5      reluctant to provide information to the police?

6            MR. MURPHY: Objection.

7            THE COURT: Objection sustained.

8            MS. PLACEK: Q If it please the court, I  
9      read exactly from the police report.

10           THE COURT: I understand, but Mrs. Fields is  
11      not the subject of that report.

12           MS. PLACEK: Yes, Judge, I believe she is.

13           THE COURT: The objection is sustained.

14           MS. PLACEK: Isn't it correct that  
15      Mrs. Fields said, in fact --

16           THE COURT: Further, I might also -- go  
17      ahead, complete your question.

18           MS. PLACEK: No, I withdraw, Judge.

19           THE COURT: Complete your answer.

20           MS. PLACEK: Q Isn't it correct that  
21      Mrs. Fields told you that Denise Johnson had run  
22      away before and returned home after a day?

23           MR. MURPHY: Objection.

24           MS. PLACEK: The question was asked both in

1 direct and on redirect, Judge.

2 THE COURT: I'm going to allow him to  
3 answer. Overruled.

4 THE WITNESS: A If that's indicated in my  
5 report, I assume that I got that information from  
6 her.

7 MS. PLACEK: Thank you.

8 Q Now -- and what relative -- you said  
9 when you toured the area with Mrs. Johnson  
10 (sic), she was where?

11 A I met her at 10530 South State Street.

12 Q Is that where she lived to the best of  
13 your knowledge?

14 A I believe she lived in Harvey.

15 Q Did you ask her to be present pursuant  
16 to a phone call?

17 A Yes.

18 Q Was that the earlier phone call?

19 A It was sometime earlier, whether it was  
20 in the morning, I don't know.

21 Q What address did you say you met her in  
22 front of, not in a house, correct?

23 A I met at the house. Whether it was in  
24 front of or in, I can't recall.

1 Q And so, I would be correct in saying  
2 that when you told her to meet you at that  
3 address, you already had the information that  
4 Denise Johnson was seen alive on August 2nd?

5 MR. MURPHY: Objection.

6 THE COURT: Can I see counsel in chambers?

7 MS. PLACEK: Yes, Judge.

8 (Whereupon, a discussion was  
9 had in chambers off the  
10 record, after which further  
11 proceedings were steno-  
12 graphically recorded by  
13 Official Court Reporter  
14 James Dohnahue.)

STATE OF ILLINOIS      }  
COUNTY OF COOK      } ss

I, AURELIA PUCINSKI, Clerk of the Circuit Court of  
Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the  
above and foregoing to be a true, perfect and complete copy of VOLUME THREE OF A FIVE VOLUME  
SUPPLEMENTAL RECORD CONSISTING OF THE ( REPORT OF PROCEEDINGS) ONLY. NO PRAECIPE  
HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL FILED IN THE APPELLATE COURT  
UNDER APPELATE COURT NO. 95-0474.

.....  
.....  
.....  
in a certain cause ..... LATELY ..... pending in said Court, between  
The People of the State of Illinois. .... WERE ..... , Plaintiffs and  
JEROME HENDRICKS ..... WAS ..... , Defendant....

Witness: AURELIA PUCINSKI,  
Clerk of the court, and the Seal thereof, at Chicago  
In said County, JUNE 26, ..... , 1996 ..



*Aurelia Pucinski* .....  
Clerk

*AS* Transcript of Record  
Appeal  
to  
APPELLATE  
FIRST  
*H74*  
Court of Illinois  
District

SUPPLEMENTAL RECORD

Circuit Court No. 88 CR 12517

Trial Judge LEO HOLT

Reviewing Court No. 95-0474

THE PEOPLE OF THE STATE OF ILLINOIS

RECEIVED  
CIRCUIT COURT  
JUL 15 1996  
ALBERT S. MARSHALL CLERK

VS.  
JEROME HENDRICKS

from  
CIRCUIT COURT  
of  
COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CRIMINAL DIVISION

AURELIA PUCINSKI

Clerk of Court

VOLUME FOUR OF FIVE VOLUMES  
SUPPLEMENTAL RECORD *Rob*

Per AP/nd

Deputy

ORDER ENTERED  
JAN 11 2007  
APPELLATE COURT, FIRST DISTRICT

1 STATE OF ILLINOIS )  
2 ) SS  
2 COUNTY OF COOK )

3 IN THE CIRCUIT COURT OF COOK COUNTY  
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE )  
5 STATE OF ILLINOIS, )  
6 ) Plaintiff, )  
7 ) Case No. 88 CR 12517  
7 -vs- )  
8 ) Charge: Murder, Etc.  
8 JEROME HENDRICKS, )  
9 ) Defendant. )

10  
11 REPORT OF PROCEEDINGS had in the above-  
12 entitled cause, before the HON. LEO E. HOLT, Judge  
13 of said Court, on the 26th day of March, A.D., 1991,  
14 at 1:30 o'clock p.m., being the cross examination  
15 of David Caddigan.

16 APPEARANCES:

17 HON. JACK O'MALLEY,  
18 State's Attorney of Cook County, By:  
18 MR. JOHN MURPHY,  
19 Assistant State's Attorney,  
19 Appeared for the Plaintiff;

20 MR. RANDOLPH N. STONE,  
21 Public Defender of Cook County, By:  
21 MS. MARIJANE PLACEK, and  
22 MR. VINCENT LUFRANO,  
22 Assistant Public Defenders,  
22 Appeared for the Defendant.

1 THE CLERK: People versus Jerome Hendricks.

2 THE COURT: This is a continuation of a  
3 witness by the name of David Caddigan.

4 Ms. Placek, you may proceed.

5 CROSS EXAMINATION

6 BY

7 MS. MARIJANE PLACEK:

8 Q Officer Caddigan, just to bring you up to  
9 speed where we more or less left off during the  
10 lunch break, I believe I was directing questions  
11 regarding the information that you had received  
12 from individuals that they had seen Denise Johnson  
13 alive on the morning hours of August 2nd, 1988.

14 MR. MURPHY: Objection, Judge.

15 THE COURT: Sustained.

16 Put a question.

17 MS. PLACEK: Q Officer Caddigan, the information  
18 that you spoke of, the information regarding back  
19 to the August 2nd date, did you receive that from  
20 people who said that they saw Denise Johnson  
21 themselves?

22 MR. MURPHY: Objection.

23 THE COURT: The objection is sustained.

24 MS. PLACEK: Q Officer, the information